

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 34738 of 2024

Arising Out of PS. Case No.-276 Year-2023 Thana- MAHKAR District- Gaya

1. Brajesh Paswan Son Of Deo Sharan Paswan Resident Of Village - Inayatchak, Police Station - Mahkar, District - Gaya
2. Bhushan Kumar @ Braj Bhushan Kumar @ Bhushan Paswan Son Of Brajesh Paswan Resident Of Village - Inayatchak, Police Station - Mahkar, District - Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Adv.

For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-05-2024 Heard Mr. Sanjay Kumar, learned Advocate for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners, who are father and son respectively, apprehend their arrest in connection with Mahkar P.S. Case No. 276 of 2023, registered for the offences punishable under Sections 341, 342, 448, 323, 307, 354, 325, 504, 34 of the Indian Penal Code.

3. The allegation against the petitioners is of assault by *lathi* and iron rod over the head of the informant causing injuries. Further allegation has also been levelled against all the accused persons including the petitioners of abusing and



assaulting.

4. Learned Advocate for the petitioners submitted that there is a counter version of the present crime bearing Mahkar P.S. case no. 06 of 2024 instituted by the persons of the petitioners' side against the informant and others. The delay in lodging of the counter case has been described in paragraph no. 8. It is further alleged that from the narrations made in the FIR it is evident that the alleged occurrence took place on 14.12.2023 however, fardbeyan was recorded after a delay of 5 days on 09.12.2023. Drawing the attention of this court to the impugned order, learned Advocate for the petitioners further contended that the injuries allegedly sustained to the informant is found to be simple in nature. Moreover, the petitioner no. 2 has absolutely fair antecedent, whereas petitioner no. 1 has one criminal antecedent, as has been disclosed in paragraph no. 3.

5. On the other hand, learned counsel for the State opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of injury and the genesis of occurrence as has been disclosed in paragraph no. 12 of the bail application, coupled with the undertaking that the petitioners will not indulge in such type of activity in future, let



the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Mahkar P.S. Case No. 276 of 2023 subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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