

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38948 of 2024

Arising Out of PS. Case No.-339 Year-2022 Thana- TRIVENIGANJ District- Supaul

Upendra Paswan, Son Of Janak Paswan, Resident Of Village- Machaha, Ward
No. 14, Ps- Triveniganj, Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shahid Aqubal, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Triveniganj P.S. Case No. 339 of 2022 registered for the alleged offences under Sections 342, 341, 323, 504, 308, 379, 448 and 506/34 of the Indian Penal Code.

3. As per prosecution case, petitioner and other co-accused persons obstructed the passage leading to the house of the informant and when it was opposed, they assaulted one of the associates of the informant and when the younger sister of the informant came for his rescue, she was also assaulted causing injury to her. The informant was also attacked but he fled away from the spot.



4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. There is case and counter case between the parties and for the same occurrence, the petitioner has lodged Triveniganj P.S. Case No. 340 of 2022 against the informant side. Apparently there is land dispute between the parties and some scuffle took place on this account but no injury report has been brought on record. However, there is allegation against this petitioner for giving a blow of iron rod on the head of the sister of the informant but in absence of injury report, allegation is not believable. Petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the case and counter case between the parties in the background of land dispute and also considering the clean antecedent of the petitioner coupled with possibility of false implication, let the petitioner named above, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs.



10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned ACJM-I, Supaul/ court concerned in connection with Triveniganj P.S. Case No. 339 of 2022, subject to the condition laid down under section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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