

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44546 of 2024

Arising Out of PS. Case No.-812 Year-2023 Thana- DARBHANGA SADAR District-
Darbhanga

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Iswar Paswan @ Ishwar Paswan Son of Sikandar Paswan Resident of Village-
Chhapki Padari, P.S- Sadar, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate

For the Opposite Party/s : Mr. Anita Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-08-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
307, 379, 504 and 506/34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.

4. The informant alleges that on 21.11.2023 at about
01:00 p.m. one Md. Kamruddin called his cousin Md. Gufran
and took him to the orchard where petitioner along with 3-4
other accused were present from before. It is further alleged that
Md. Kamruddin assaulted the cousin of the informant by
shocker of the motorcycle on his head and petitioner assaulted
him by an iron rod causing injury on his head and also took



away Rs.10,000/- and silver chain from his neck and the injured was taken to the hospital for treatment.

5. Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that the informant is not an eyewitness to the occurrence and the informant alleges that Md. Kamruddin had assaulted the cousin of the informant initially by shocker of the motorcycle causing injury on his head and thereafter it is alleged that petitioner also assaulted him but then injury is only one when two persons are alleged to have assaulted. It is further submitted that petitioner is a person with clean antecedent and has been falsely implicated in the instant case by the informant as he was supporting Md. Kamruddin in Panchayat. It is next submitted that petitioner will not abscond rather will cooperate in the investigation.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/-



(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Darbhanga Sadar P.S. Case No. 812 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, if the investigating officer of the case files an application bringing to the notice of the learned court below that petitioner, despite giving assurance to this Court, is not cooperating in the investigation, the learned court below shall be at liberty to cancel the bail bonds of the petitioner.

9. It is made clear that if charge-sheet is submitted connecting the petitioner with the offence then the present anticipatory bail order shall lose its effect.

(Satyavrat Verma, J)

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