

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49702 of 2024

Arising Out of PS. Case No.-433 Year-2021 Thana- DAUDNAGAR District- Aurangabad

Rahul Kumar @ Rahul Paswan Son of Vinod Paswan R/o- Village- Shital
Bigha, P.S.- Daudnagar, Dist.- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Mukul Kumari, Adv.

For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-07-2024 At the outset, learned counsel for the petitioner submitted at the Bar that on account of inadvertence, in para-9 of the bail application, it has wrongly been mentioned that the nature of injury is simple in nature and thus she does not press the statement made in para-9 thereof.

2. Heard learned counsel for the petitioner and learned APP for the State.

3. The petitioner apprehends his arrest in connection with Daudnagar P.S. Case No. 433 of 2021 registered for the offences punishable under Sections 341, 447, 323, 324, 308, 354B, 342 and 504/34 of the Indian Penal Code.

4. Based upon the written report, the prosecution alleges that all the accused persons including the petitioner entered into the house of the informant and started abusing and



assaulting him and his family members. It is also alleged that this petitioner assaulted the informant by means of *tangi* due to which he sustained serious injury.

5. Learned counsel for the petitioner contended that both the parties are next door neighbour and there is dispute on account of drainage. The present case is nothing but a result of free fight leading to injuries to persons of both the sides. Referring to the injury report, which is marked as Annexure-P/2, it is contended that the nature of injury is still reserved. However, while rejecting the prayer of the petitioner, the learned court though mentioned that the informant sustained injury over frontal portion of the scalp and his C.T. Scan report is also on record, but knowingly the nature of injury has not been discussed. It is further contended that the occurrence took place on 27.07.2021 but the FIR has been instituted on 30.07.2021 and, as such, deliberation cannot be denied. It is lastly contended that the petitioner is a man of fair antecedent and he undertakes that he will never indulge in such type of activities in future.

6. On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that the petitioner is a person, who assaulted over the head of the



informant by means of *tangi*.

7. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the FIR and the fact that the learned jurisdictional court while refusing the prayer for bail has not discussed the nature of injury, coupled with the fact that the parties are neighbours and the occurrence took place on the premise of a trifle, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Daudnagar, Aurangabad in connection with Daudnagar P.S. Case No. 433 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

rohit/-

U		T	
---	--	---	--

