

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79957 of 2023

Arising Out of PS. Case No.-143 Year-2023 Thana- NALANDA District- Nalanda

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AWDHESH PASWAN S/O LATE JAGESHWAR PASWAN VILLAGE-
JAGDISHPUR, PS. NALANDA, DIST. NALANDA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 3 07-03-2024 **1.** Heard learned counsel appearing on behalf
- of the petitioner and learned Additional Public Prosecutor
- appearing on behalf of the State.
- 2.** The accused/petitioner is named in the F.I.R.
- and apprehending his arrest in connection with Nalanda
- P.S. Case No. 143 of 2023 registered for the offences
- punishable under Sections 147, 149, 341, 323, 325,
- 307, 379 and 427 of the Indian Penal Code.
- 3.** The allegation against the petitioner is to
- assault informant and other co-accused persons/family
- members causing head and other bodily injuries, having
- intention to cause death, where occurrence arises out of



local disputes and differences.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated with the present case, where allegation of physical assault is appearing very much general and omnibus. It is further submitted that injury received by Pinku Kumar is simple in nature, where as injury received by the Shideshwar Saw grandfather of the informant is appearing grievous in nature as there is fracture on left humerus bone, which is non-vital part of the body negating, *prima facie*, intention to cause death of injured/informant. While concluding the argument it is submitted that petitioner is a man of clean antecedent.

5. Learned APP appearing on behalf of the State, opposes the prayer for bail.

6. In view of the facts and circumstances as mentioned above and by taking note of the fact that allegation of physical assault is appearing very much general and omnibus, where grievous injury appears on



the non-vital part of the body, accordingly petitioner above named, in the event of his arrest or surrender before the learned Court within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda at Biharsharif/concerned Court where the case is pending in connection with Nalanda P.S. Case No. 143 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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