

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80628 of 2023**

Arising Out of PS. Case No.-224 Year-2023 Thana- NAWADA MUFFASIL District- Nawada

Rakesh Raushan Diwakar @ Vijay Paswan aged about 44 years (Male) son of
Ruplal Paswan, resident of Village- Jakkichak, P.S. Muffasil, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 10-01-2024 Heard Mr. Vibhuti Ranjan Sonvadra, learned
counsel appearing on behalf of the petitioner and Mr. Jai Narain
Thakur, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Muffasil (Nawada) P.S. Case No. 224 of 2023 registered
for the offence punishable under Sections 147, 149, 341, 323,
379, 325, 504 and 506 of the Indian Penal Code.

3. As per the allegation made in the FIR, the petitioner
along with other accused persons named therein had assaulted
the informant side, who wanted to install Lord Hanuman Ji idol
allegedly in front of the house of the petitioner, which was
objected by the petitioner side, which led to the filing of the
present FIR against the petitioner.

4. Learned counsel appearing on behalf of the



petitioner submitted that specific allegation against the petitioner is that he had assaulted on the leg of the informant which is not a vital part of the body. Fierce fight broke between the petitioner side, as well as, informant side and in course of the said incidence, the petitioner may have caused some injury on the leg of the informant, which was not intentional. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR against the petitioner, as well as, the fact that the specific allegation against the petitioner is that he had assaulted on the leg of the informant which is not a vital part of the body. Fierce fight broke between the petitioner side, as well as, informant side and in course of the said incidence, the petitioner may have caused some injury on the leg of the informant, which was not intentional. Petitioner has clean antecedent. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender



before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st Nawada, in connection with Muffasil (Nawada) P.S. Case No. 224 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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