

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.83943 of 2023**

Arising Out of PS. Case No.-315 Year-2023 Thana- UDWANTNAGAR District- Bhojpur

Anup Paswan @ Anup Kumar, male, aged about 40 years, son of Late Supan Paswan resident of village - Pakri, Police Station - Ara Nawada, District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ravindra Kumar, Advocate

For the Opposite Party/s : Mr. Md. Shakir Ahmad, A.P.P.

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

3      19-03-2024                      Heard Mr. Ravindra Kumar, learned counsel appearing on behalf of the petitioner and Mr. Md. Shakir Ahmad, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Udwantnagar P.S. Case No. 315 of 2023 registered for the offence punishable under Sections 147, 149, 341, 323, 307, 504, 506 and 379 of the Indian Penal Code.

3. As per the allegation made in the FIR, petitioner along with other co-accused named therein, had assaulted the informant and his family members, due to which, the informant had sustained grievous injury on his head.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and have falsely



been implicated in the present case. Specific allegation against the petitioner is that he had assaulted the informant by means of iron rod on his head, which is falsified by the injury report submitted by the doctor, in which it has been stated that the injury has been caused on the face of the informant, which is not on the vital part of the body. There is case and counter-case between the parties due to long standing land dispute. The case lodged by the petitioner side bearing Udwanthnagar P.S. Case No. 314 of 2023 is prior to the present FIR arising out of the same incidence. 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 rival submissions made on behalf of the parties, as well as, the fact that injury has been caused on the face of the informant, which is not on the vital part of the body. There is case and counter-case between the parties due to long standing land dispute. The case lodged by the petitioner side bearing Udwanthnagar P.S. Case No. 314 of 2023 is prior to the present FIR arising out of the same incidence. 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/her 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 Chief Judicial Magistrate, Bhojpur, Ara, in connection with Udwantnagar P.S. Case No. 315 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)

Niraj/-

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