

Arising Out of PS. Case No.-118 Year-2023 Thana- PAUTHU District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Senior Advocate Mr. Ashok Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Shailendra Kumar Singh, APP
For the Informant	:	Mr. Shailendra Kumar Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 29-01-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner apprehends arrest in connection with Pauthu P.S. Case No.118 of 2023 registered for the offence under Sections 341, 323, 325, 307, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms act.

3. The allegation against the petitioner is to have assaulted the informant's side by means of *lathi* and pistol along with other co-accused persons. It is further alleged that the petitioner caused fire-arm injury to the mother of informant.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner has falsely been implicated in



the present and both the parties are agnates. It is submitted that there is admitted land dispute between the parties. It is also submitted that no firing was made by the petitioner, the allegation of firing made by the informant is only to aggravate the allegation. It is also submitted that petitioner is a man of clean antecedent.

5. Learned APP appearing on behalf of the State duly assisted by learned counsel for the informant, opposes the prayer of bail of the petitioner.

6. From perusal of impugned order dated 15.12.2023 passed by Additional Sessions Judge-X, Aurangabad, it appears that there is no assault as regard to causing fire-arm injury upon body of Nirmala Devi. It also appears from perusal of injury report of injured, Nirmala Devi, that injuries found on the body of injured is a lacerated wound on finger web of right palm. Size – 1 1/2” X 1/4” deep to skin. X-ray advised. A bruise on left writ size 2” x 2” X-ray advised and X-ray shows left hand with palm shows fracture neck of fifth metacarpal bone and no injury is caused by the petitioner on vital part of the body of the Nirmala Devi.

7. Having considered the facts and circumstances of the case and submissions of learned counsel



for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner above-named be released on bail upon furnishing bail bonds of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Pauthu P.S. Case No.118 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 with a further condition that one of the bailors of the petitioner shall be close relative of the petitioner.

(Ramesh Chand Malviya, J)

S.Katyayan/-
Mayank/-

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

