

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22379 of 2025

Arising Out of PS. Case No.-381 Year-2024 Thana- LALGANJ District- Vaishali

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Amod Paswan S/O Harendra Paswan Resident of Village- Kharauna, P.S-
Lalganj, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shyameshwar Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-04-2025 Heard the parties.

2. The petitioner is apprehending arrest in connection with Lalganj P.S. Case No. 381 of 2024 instituted under Sections 126, 115(2),303(2),109, 329(3), 352, 351(3), 3(5) of Bharatiya Nyuaya Sanhita, 2023 lodged on 25.10.2024 by the informant, Preyanshu Kumar.

3. As per the prosecution story, the informant alleged that when he alongwith Vishal Kumar and Shivam Kumar were coming from the shop, the petitioner along with Raj Kumar Paswan, Mukesh Paswan, Ritik Paswan and Chhotu Kumar surrounded and assaulted with iron rod.

4. The allegation as per the FIR is/are:

*(i) Suman Kumar Paswan hit the
informant on his back and cheek;*



(ii) Amod Paswan(petitioner) hit Vishal Kumar with iron rod on his head causing injury;

(iii) Mukesh Paswan, Ritik Paswan and Chhotu Kumar assaulted Shivam Upadhyay with 'Bhala' causing injury on his neck and cheek;

(iv) other unknown persons also participated in the assault beside Suman Paswan and Mukesh Paswan snatched the gold chain of Vishal Kumar and Priyanshu.

5. Accordingly, the FIR.

6. Learned counsel for the petitioner submits that so far as this petitioner is concerned, allegation is of hitting Vishal Kumar by iron rod but the injury has been found to be simple in nature as would manifest from the Annexure-P/3 to the petition. Further, this petitioner do not have criminal antecedent and the last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs.10,000/- to the injured Vishal Kumar through Demand Draft issued by the local branch of the State Bank of



India.

6. Learned APP opposes the prayer submitting that allegation of assault on head is on this petitioner.

7. Though the allegation of assault is there, the fact remains that the injury has been found to be simple in nature, he has no criminal antecedent, FIR is already there, in that background, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs.10,000/- to the injured Vishal Kumar through Demand Draft issued by the local branch of the State Bank of India.

8. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Lalganj P.S. Case No. 381 of 2024 to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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