

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66228 of 2024

Arising Out of PS. Case No.-56 Year-2023 Thana- HARPUR District- Munger

Tulsi Kumar son of Genu Paswan Resident of Village- Durmatta PS -Harpur,
District -Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-01-2025 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection with Harpur P.S. Case No. 56 of 2023, registered for the offences punishable under Sections 447, 341, 323, 307, 337, 504 and 506/34 of the Indian Penal Code.

3. Allegedly, on the fateful day, while the informant was sitting in her *angan* along with other family members, all the FIR named accused persons, including the petitioner barged into her house and started abusing and assaulting. It is specifically alleged that this petitioner has assaulted the informant over her head by means of iron rod, due to which she sustained serious injury.

4. Learned Advocate for the petitioner contended that



in fact the present case is nothing but a counter blast to Harpur P.S. Case No. 55 of 2023, instituted against the informant and other persons on the earlier point of time. It is further contended that the informant and other co-accused persons of the said case are aggressor and they have also assaulted the petitioner. However, the prosecution has failed to explain the injury sustained to the petitioner and the persons of his side. There is a land dispute pending between the parties and in fact on the alleged date of occurrence, both the parties have entered into a free fight. So far the injury sustained to the informant is concerned, the same has been found to be simple in nature, caused by hard and blunt substances. The petitioner bears fair antecedent and he undertakes that he will fully co-operate in the investigation or in the proceeding of the Court.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that the petitioner allegedly assaulted the informant by means of iron rod, causing serious injury.

6. Regard being had to the submissions made on behalf of the parties and considering the simple nature of injury, coupled with the fair antecedent and the factum of case and counter case, let the petitioner above named be released on bail,



in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Munger in connection with Harpur P.S. Case No. 56 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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