

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 74288 of 2024

Arising Out of PS. Case No.-824 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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Sarwan @ Sarwan Sahani Son of Sewak Sahani R/O-Village- Bahuari ,P.S-
Lakhaura , District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava
For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 3 29-01-2025 1. Heard learned counsel for the petitioner and the
learned APP for the State.
2. The petitioner apprehends his arrest in connection
with Muffasil (Lakhaura) P.S. Case No. 824 of 2023 dated
22.11.2023 registered for the offence(s) punishable under
Section(s) 341, 323, 504, 307, 379 and 34 of the Indian Penal
Code.
3. The main submissions advanced by the learned
counsel for the petitioner are that the petitioner has fair and
clean antecedent and there is enmity in between both the parties
and from the FIR, it is evident that at the time of alleged
occurrence, firstly, an incident of abuse took place in between
both the parties and during that course, in the spur of moment,



the petitioner is alleged to have assaulted the informant by means of *saria* and it is not alleged that alleged occurrence of assault was pre-planned and further, there is no allegation of repeated blow by the petitioner on the head of the informant by the alleged means. He further submits that the prosecution has produced only injury report of the informant, who is said to be the main injured and his report shows that he sustained two injuries though one was found on his head but the same has been opined to be simple in nature and his second injury was found on his left forearm which was in the nature of bruise.

4. Learned APP appearing for the State has opposed the bail prayer of the petitioner.

5. Considering the facts and circumstances and taking into account the nature of injuries of the informant who is said to have been assaulted by the petitioner, this court is inclined to accept the anticipatory bail prayer of the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Muffasil (Lakhaura) P.S. Case No. 824 of 2023 on furnishing bail bond of Rs. 20,000/-(Rupees Twenty Thousand) with two sureties of the like amount each to the



satisfaction of the Court concerned, subject to the conditions as
laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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