

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74337 of 2024

Arising Out of PS. Case No.-220 Year-2024 Thana- MOTIHARI TOWN District- East
Champaran

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Basant Paswan Son of Late Vikrama Paswan Resident of Village - Ijara, P.S. -
Sangrampur, District - Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Adv.
For the State	:	Mr. Umeshanand Pandit, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 08-07-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504, 506, 34 of the Indian Penal Code.

3. The allegation in the FIR is that the named accused persons including the petitioner along with 10-15 other unknown persons came variously armed and assaulted one Manu Kumar Yadav who is the son of the informant on an issue of paying some amount as the petitioner used to bring patients to the hospital in which the said Manu Kumar Yadav used to run his shop of medical and surgical instruments. The further allegation is that when the informant's nephew Amit Kumar



intervened in the matter, the petitioner gave him a *farsa* blow on his head due to which he sustained injury.

4. Learned counsel for the petitioner submits that it would be clear from the FIR itself that a dispute had arisen with regard to some exchange of money and there was no pre-planning or pre-meditation even as per the allegation in the FIR. It would also be evident that there is an allegation of giving only one blow upon the head of the informant and there is no repetition of blow at the end of the petitioner. The injury report of both the injured of the case, namely, Manu Kumar Yadav and Amit Kumar shows that they both have received simple injuries. It is also submitted that the petitioner had filed a case i.e. Motihari Town P.S. Case No. 214 of 2024 under the SC/ST Act against the informant and the present case which was lodged subsequently, only came as a counter-blast to the said case. Moreover, in the facts of the case, Section 307 of the Indian Penal Code is not made out and the allegation of Section 379 of the Indian Penal Code are merely ornamental in nature.

5. Learned APP for the State, however, opposes the prayer for anticipatory bail

6. Considering the entire facts and circumstances of the case, I am inclined to grant the privilege of anticipatory bail to



the petitioner who has no criminal antecedent. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Town P.S. Case No. 220 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

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