

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89579 of 2024

Arising Out of PS. Case No.-181 Year-2023 Thana- KADWA District- Katihar

Shankar Paswan Son of Late Janki Paswan Resident of Village - Bishanpur,
P.S.- Kadwa, District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Durgesh Nandan, Advocate

For the Opposite Party/s : Mr.Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 27-01-2025 1. Heard learned Counsel for the petitioner and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Kadwa PS case no. 181 of 2023, disclosing offences punishable under Section 379 and other allied sections of the Indian Penal Code.
3. The prosecution story, as per the First Information Report, is that on 15.08.2023, after flag hoisting ceremony in Utkramit Madhya Vidyalaya, Bishunpur, the informant and others were having some snacks, in the meanwhile, petitioner and other accused persons arrived there, abused the informant and told that he was instrumental in transfer of petitioner's wife from the school. Subsequently, petitioner and other accused persons surrounded the informant and petitioner inflicted knife



blow on the face of the informant, due to which, he sustained injury. Other accused persons snatched Rs. 12,000/-, golden chain etc.

4. Learned Counsel for the petitioner submits that the wife of the petitioner as well as the informant were working in the same school. Learned counsel further submits that the petitioner's wife was transferred from the school at the behest of the informant, due to which, some scuffle took place between them. He next submits that the allegation as per the F.I.R. is that the petitioner inflicted knife blow but from perusal of the injury report, annexed as Annexure-P/3 to the petition, it appears that informant has sustained simple injury caused by hard and blunt substance. The petitioner is stated to be having no criminal antecedent. It is also submitted that a counter case has been lodged by the side of the petitioner against the informant and others for the occurrence, which has taken place on the same day.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that case and counter case is existing between the parties, injury caused to the informant is simple in nature and the petitioner is having clean antecedent, I am inclined to grant the privilege of



anticipatory bail to the petitioner.

6. This application is, accordingly, allowed.

7. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within six 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 learned Chief Judicial Magistrate, Katihar in connection with Kadwa PS case no. 181 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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