

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36485 of 2014

Arising Out of PS.Case No. -101 Year- 2013 Thana -ANGARGHAT District- SAMASTIPUR

- 1. Arun Paswan S/o Mintu Paswan
- 2. Sita Ram Paswan S/o Upendra Paswan Both Resident of Village Angarghat, P.S. Angarghat, District Samastipur.

.... Petitioner/s

Versus

- 1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.37460 of 2014

Arising Out of PS.Case No. -101 Year- 2013 Thana -ANGARGHAT District- SAMASTIPUR

- 1. Ram Binay Paswan @ Ram Binesh Paswan Son of Late Mahendra Paswan
- 2. Maya Devi @ Mala Devi Wife of Ram Binay Paswan
- 3. Mithilesh Paswan
- 4. Manoj Paswan Both Sons of Ram Binay Paswan All residents of village- Angarghat, P.S.- Angarghat, District- Samastipur.

.... Petitioner/s

Versus

- 1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.36485 of 2014)

For the Petitioner/s : Mr. Lovekush Kumar

For the Opposite Party/s : Mr. Upendra Kumar(App)

(In Cr.Misc. No.37460 of 2014)

For the Petitioner/s : Mr. Lovekush Kumar

For the Opposite Party/s : Mr. Md. A.Haque Sahara(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 09-04-2015 Both these applications arise out of Angar Ghat P.S.Case No. 101/2013 as such, they have been heard together and are being disposed of by this common order.

Heard learned counsel for the petitioners of both cases and learned A.P.P. duly assisted by the learned counsel for the informant.

Petitioners apprehend their arrest in connection with above mentioned P.S. Case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307/504 and 379 of the Indian Penal Code.

Allegedly, when the informant and his father were washing their hands on the tube-well, they suspected poisonous smell and then near by person were called, who told that the petitioners Sitaram Paswan and Mintu Paswan were seen and when they were going to police station, in the way, all the F.I.R. named accused persons were sitting at some distance and on the order of Vinay Paswan, Sitaram Paswan gave farsa blow, which caused cut injury on his head and again the blow was repeated, but the informant stopped it on his hand, causing cut injury on his hand. Mintu Paswan assaulted by iron khanti causing injury on his head and leg. Arun Paswan gave blow with Tarchhebi resulting finger of his hand was cut and on hearing alarm, the father of informant came who was also assaulted by iron khanti, causing fracture of his palm. Maya Devi committed theft of Rs. 5000/- from his pocket and wrist watch from his hand.



Submission is of false implication and Mintu Paswan has also filed Angarghat P.S. Case No. 111 of 2013. The petitioner Mala devi has filed T.S. No. 75 of 2013 against the informant and others. There is delay in lodging of the case and no offence under Section 307 of the Indian Penal Code is made out as the doctor has not found any injury, caused by either farsa or Tarhchhebi. So far as the allegation under Section 379 of the Indian Penal Code is concerned, that is ornamental.

Learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer for bail by submitting that witnesses have supported the prosecution case during investigation, as mentioned in paragraph- 6 to 10 and 11 of the case diary.

From the impugned order it appears that there is no injury report on the record, though some papers showing treatment of the informant was filed and it appears that litigations in between the parties are going on and as such in the facts and circumstances stated above, the petitioners above named, in case of their surrender or arrest within two months from the date of receipt/production of a copy of this order, shall be released on bail on execution of bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of

learned A.C.J.M., Dalsingsarai district, Samastipur in connection with Angarghat P.S.Case No. 101/2013, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Jitendra Mohan Sharma, J)

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