

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 47824 of 2015

Arising Out of PS.Case No. -137 Year- 2015 Thana -BIBHUTIPUR District- SAMASTIPUR

1. Birju Paswan.
2. Arjun Paswan.
Both sons of Budhan Paswan resident of Village - Mustafapur, P.S. –
Bibhutipur, District - Samastipur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 06-11-2015 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners apprehend arrest in Bibhutipur
P.S. Case No. 137 of 2015 dated 28.06.2015 instituted under
Sections 147/149/323/307/324/379/504/506 of the Indian
Penal Code.

The allegation against the petitioners along
with others is of assault and specifically against petitioner no.
1 of using knife for inflicting blow on the head and against
petitioner no. 2 of assault by ‘Farsa’ and Iron rod on the head
of the victims.

Learned counsel for the petitioners submits
that the present case is false and fabricated and has been filed
only as a counter blast to Bibhutipur P.S. Case No. 122 of
2015, which has been filed by the wife of one of the accused in

the present case in which the allegation against the informant and others is of entering into the house and assaulting and abusing members belonging to the Scheduled Caste. Learned counsel submits that the injuries are simple in nature and the reports are not from the nearest PHC but rather from the Sub Divisional Hospital at Dalsingsarai. It is submitted that the petitioners have no criminal antecedent.

Learned A.P.P. submits that the allegation is direct and specific against the petitioners of inflicting blow on the head by knife, 'Farsa' and Iron rod and the injury report corroborates such allegation.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioners on anticipatory bail.

The application, accordingly, stands dismissed.

However, in the event the petitioners surrender and pray for bail before the Court below, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

P. Kumar

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