

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53558 of 2016

Arising Out of PS.Case No. -471 Year- 2016 Thana -MOHANIA District- BHABHUA (KAIMUR)

- =====
1. Banti Paswan, Son of Sushil Paswan.
 2. Baldau Paswan, Son of Manshi Paswan.
 3. Sushil Paswan, Son of Ramashankar Paswan.
- All redsident of Village Belauri, P.S. Mohania, District- Kaimur at Bhabua.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 20-12-2016 Let the supplementary affidavit filed on behalf of the petitioners be kept on record.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Mohania P.S. Case No.471 of 2016/G.R. No.2527 of 2016 registered under Sections 448, 341, 325, 323, 324, 354(B)/34 and 307 of the Indian Penal Code.

The accusation is that in the evening of 29.03.2016 at about 07.00 P.M., Puja Kumari, the niece of the informant, alongwith other girls had gone to attend the call of nature. At that



time, petitioner nos.1 and 2 flashed the torch on them, then the niece of the informant and other girls stood up. Thereafter, petitioner nos.1 and 2 assaulted the niece of informant through fists and slaps. However, the dispute was pacified due to intervention of the villagers but on 01.10.2016, the petitioner no.3 entered the house of the informant and caused assault to his wife through Bhala and Gadasa, as a result whereof she sustained injury in her hand and, thereafter, they assaulted the informant through Gadasa causing injury on his head. At that time, petitioner no.2 and other co-accused, named in the F.I.R., caused injury to the elder brother and elder son of the informant.

Learned counsel appearing on behalf of the petitioners submits that, in fact, the niece of the informant had gone to attend the call of nature at the Bathan of the petitioners in respect of which proceedings under Sections 144 and 107 of the Code of Criminal Procedure were going on and when the petitioners made protest then this false case has been lodged. Further submission is that there is specific allegation against the petitioner no.3 to cause injury at the head of the informant and hand of the wife of the informant but the injury, as found on the head of the informant, is simple in nature whereas the wife of the informant sustained no injury and the injuries, as found on the elder brother and elder son



of the informant, which are said to be caused by petitioner no.2 and others, are simple in nature. Further submission is that the petitioners have no criminal antecedents.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Kaimur at Bhabhua, in connection with Mohania P.S. Case No.471 of 2016/G.R. No.2527 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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