

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33139 of 2016

Arising Out of PS.Case No. -121 Year- 2016 Thana -DURGAWATI District- BHABHUA
(KAIMUR)

- =====
1. Guddu Paswan
 2. Vijay Bahadur Paswan, both sons of Sohan Paswan.
 3. Sohan Paswan, S/o- Dev Chandra Paswan,
All Resident of Village + P.O- Karai, P.S- Durgavati District- Kaimur,
Bhabhua.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Pandey, Advocate
For the Opposite Party/s : Mr. Murlidhar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-08-2016 Heard learned counsel for the petitioners and

learned APP for the State.

Petitioners apprehend arrest in connection with

Durgawati P.S. Case No. 121/16, G.R. No. 1171/16 for offences

alleged under Sections 147, 149, 341, 323, 307, 447, 504 of the

Indian Penal Code.

Allegation is that on the instigation of petitioner

no. 3, petitioner nos. 1 and 2 along with others assaulted the

informant and his two brothers causing injury to the informant and

others.

It has been submitted by the learned counsel for



the petitioners that they innocent and have falsely been implicated in the aforesaid case because both sides are inimical to each other. He further submits that for the same incident on the same day a First Information Report has been lodged by the petitioners side bearing Durgawati P.S. Case No. 120/16 wherein the petitioners side have also been assaulted by the informant side. He further submits that there is general and omnibus allegation and the injuries found of the informant side has been stated to be simple in nature as per the medical report, except one injury on Hanslal Paswan, which cannot be attributable to the petitioners as the other accused persons are also alleged to have caused injury on Hanslal Paswan. He further submits that the petitioners have no criminal history, as is evident from paragraph 3 of this petition.

However, learned APP for the State submits that the petitioners are named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since counter-case lodged by the petitioners is prior to the present case regarding the same incident, let petitioners, above named, in the event of their arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount

each to the satisfaction of learned Chief Judicial Magistrate,
Kaimur at Bhabhua, in connection with Durgawati P.S. Case No.
121/16, G.R. No. 1171/16, subject to the conditions as laid down
under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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