

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48163 of 2017

Arising Out of PS. Case No.-412 Year-2016 Thana- BIRAUL District- Darbhanga

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1. Raje Paswan son of Late Uma Paswan.
 2. Praveen Paswan son of Raje Paswan.
 3. Mani Paswan son of Vinod Paswan. All are resident of Village- Jagdishpur, Kahua, Police Station- Biraul, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha
For the Opposite Party/s : Mr. SRI NAND KISHORE PD

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-10-2017 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147,148,341,323,324,307,380,504 and 506 of the IPC.

The prosecution case is that one Binod Paswan took loan of Rupees Forty Thousand from the informant and subsequently only a small part of the loan amount was being returned. On protest, the petitioners and others abused the informant and thereafter on the order of Binod Paswan to kill the informant, petitioner no. 3 Mani Paswan assaulted with Farsa on the head of the informant, as a result of which, he fell down on the ground. On alarm



being raised, Ashok and Radhe Paswan came to rescue the informant. Thereafter, petitioner no. 2 assaulted Ashok with Farsa whereas petitioner no. 1 Raje Paswan assaulted Radhe paswan with iron rod. The accused persons also took out jewellery and ten thousand rupees from the trunk of informant.

It is submitted by learned counsel for the petitioners that the injury report of Radhe Paswan suggests that he had complain of pain in elbow joint, left mid thigh and also in the whole body. Hence, he did not at all receive any visible injury whereas the medical report as contained in Annexure 2 series suggests that Sushil Paswan received one cut injury of marginal size over right eyebrow, scratch on the neck and pain in body, though the patient was referred to DMCH on complain of pain in eye and poor vision. On the written report of petitioner no. 2 Biraul P.S. Case No. 411 of 2016 got registered under sections 147, 148,323, 324,341, 380,385,427,448,504 and 506 IPC as the petitioners side also received injury.

Considering the accusation being not corroborated by the medical opinion, Statement being made in paragraph 3 of



the petition that the petitioners have no criminal antecedent coupled with the medical documents or records as contained in Annexure 4 sereis suggesting that petitioners side also received injury, let the petitioners above named be released on bail in the event of arrest or surrender within six weeks from today on furnishing bail bond of Rs.10000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM, Biraul, Darbhanga in connection with Biraul P.S. Case No. 412 of 2016 subject to the conditions laid down in section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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