

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45595 of 2017

Arising Out of PS.Case No. -75 Year- 2017 Thana -KHUDAGANJ District- NALANDA
(BIHARSHARIFF)

- =====
1. SHANI PASWAN @ SANNI PASWAN, Son of Deban Paswan,
 2. Chandan Devi, D/o Deban Paswan,
 3. Manju Devi, W/o Deban Paswan, all resident of Village- Serthua Khurd, Police Station- Khudaganj, District- Nalanda.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Sunil Prasad, Advocate.

For the Opposite Party : Mr. S.M. Rahman, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-10-2017 Heard learned counsel for the petitioners, learned
A.P.P. for the State and learned counsel for the opposite party no.
2.

The petitioners are apprehending their arrest in a case
for the offence registered under Sections 341, 323, 307, 379, 427
and 436/34 of the IPC.

The prosecution story, in brief, is that on 19.06.2017
at about 9.00 A.M., while nephew of the informant, namely,
Niranjan Paswan was putting bricks on his land, the petitioners
alongwith other co-accused came there and started altercation with
him and when the informant went to pacify the matter, co-accused



Dewan Paswan gave *Garasa* blow upon the informant causing cut injury in his nose, ear and mouth and blood started oozing from his nose and eye and when Niranjan Paswan came to rescue him, the accused persons threw him down and Shani Paswan took out Rs. 2000/- from his pocket. Niranjan Paswan fled away his home for saving himself. The accused persons entered into his house and Shani Paswan took Rs. 20,000/- and clothes, petitioners Manju Devi and Chandan Devi took a chain and ear ring from the informant's wife Rekha Devi. The accused persons set fire in hut and bunch of straw of Niranjan Paswan causing loss of Rs. 16,000/- to him. The injured was admitted in hospital.

It has been submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. The main allegation of assault is against co-accused Dewan Paswan. He is not the petitioner in the present application. From perusal of the order of the learned Sessions Judge, it appears that there is no injury report in the case diary to support the allegation made in the F.I.R. which doubts the manner of occurrence.

On behalf of the learned counsels for the State and opposite party no. 2, it has been submitted that the petitioners are



named in the F.I.R/ complaint case and the petitioners have got criminal antecedent.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioners. The same is rejected in connection with Khudaganj P.S. Case No. 75/2017, pending in the court of learned A.C.J.M. Hilsa, Nalanda. Anyhow, if the petitioners surrender in the court below within a period of six weeks from today and file application for regular bail the same shall be considered on its own merit preferably on the same day taking into account that the petitioner nos. 2 and 3 are ladies and no specific injury has been attributed against them.

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(Sudhir Singh, J)

