

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23758 of 2018

Arising Out of PS.Case No. -13 Year- 2018 Thana -MANIHARI District- KATIHAR

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1. Shiv Kumar Paswan @ Shiv Kumar @ Chhotu,
 2. Prem Nath Kumar @ Pikku Paswan @ Pinkku Paswan @ Prem Nath Kumar,
 3. Shiv Nandan Paswan, All sons of Nand Lal Paswan,
 4. Gopal Paswan, Son of Sitaram Paswan,
 5. Roshan Das @ Roshan Kumar Das, Son of Late Rajendra Prasad Das, All resident of Village- Baghmara, P.S.- Manihari, District- Katihar.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kiran Sinha

For the Opposite Party/s : Mr. Sri Mukeshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 26-04-2018

Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 308, 323, 325, 341, 379, 504 and 506 of the Indian Penal Code.

The prosecution case as per the fardbeyan of Tonish Paswan dated 07.01.2018 recorded by A.S.I. of Katihar P.S. on 07.01.2018 at 2.10 P.M. at Sadar Hospital, Katihar, is to the effect that on 06.01.2018 at 5.00 P.M . the informant was standing near Harijan School, Baghmara, in the meantime, seven



accused persons including the petitioners came variously armed and on the order of Pawan Paswan, the accused persons indiscriminately assaulted the informant causing fracture injury on his leg. Subsequently, the informant came to know that petitioner no. 2 Prem Nath Kumar took out Rs. 5,000/- from the pocket of the informant.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general. There is counter version of the occurrence also, being Manihari P.S. Case No. 03 of 2018 registered with accusation under Sections 323, 341, 379, 504 and 506/34 of the Indian Penal Code. Though, two injuries have been found grievous but the accusation is omnibus and general against seven accused persons. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent. Moreover, the grievous injury has been found on the leg.

Learned APP, however, submits that the accusation is of making assault and petitioners are named in the FIR.

Considering the accusation omnibus and general and there is counter version of the occurrence, coupled with the statement made in paragraph 3 of the petition that the



petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, 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, Katihar in connection with Manihari P.S. Case No. 13 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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