

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23455 of 2018

Arising Out of PS. Case No.-281 Year-2017 Thana- JAMUI District- Jamui

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GARIB PASWAN @ GRIB PASWAN S/o Late Rameshwar Paswan, R/o
Vill.- Pratap Pur, P.S.- Jamui, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Ram Anurag Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-04-2018 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under sections 341,323,325 and 307/34 of the IPC.

The prosecution case got initiated with the Fardbeyan of Dablu Kumar Singh recorded by S.I. of Jamui Police Station on 27.8.2017 at 1.20 P.M. at Sadar hospital, to the effect that on the same day at 7.30 A.M. the informant was working in his agricultural field and his brother was ploughing the field with tractor, in the meantime, the petitioner Garib Paswan, co-accused Sunil Paswan and the nephew of petitioner along with some unknown persons came variously armed and directed to stop ploughing the field. The accused persons threatened the informant's side since they did not help them



during Panchayat elections. In the meantime, on the order of co-accused Sunil Paswan when he handed over the sword to the petitioner, the petitioner assaulted with sword on the head of the informant causing bleeding injury, as a result, the informant fell down on the ground. Thereafter, brother of the informant, namely, Pankaj Singh came to rescue then he was also assaulted by co-accused Sunil Paswan. The informant was also assaulted with lathi on the scrotum of the informant and the nephew of the petitioner assaulted with rod on the leg of the informant.

It is submitted by learned counsel for the petitioner that there is specific accusation against the petitioner to have caused injury to the informant on head with sword and only one incised injury of marginal size has been found on the skull but the same has been found to be simple, though tenderness and defused swelling has been found on the right knee, though injury no. 2 has been found to be grievous but admittedly the same has not been caused by the petitioner and, it may have been caused by the nephew of the petitioner. There is counter version of the occurrence also vide Jamui SC/ST P.S. Case No. 36 of 2017 registered under sections 147,148,149,341,323,324,504 and 506 of the IPC and



Sections 3(1)(r), 3(2) v (g), 3(1) z of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act filed by the brother of the petitioner namely Sunil Paswan wherein Sunil Paswan has also received grievous injury. The counter version does not suggest even the presence of the petitioner at the place of occurrence. Moreover, the accusation has been levelled in the background of land dispute. Though the petitioner is accused in one other case being Jamui P.S. Case No. 53 of 2011 but it is submitted that he is on bail though statement to that effect has not been made in the petition.

Learned APP, however, submits that there is specific accusation against the petitioner to have made assault with sword.

Considering the fact that the injury caused by the petitioner has been found to be simple in nature and there is counter version of the occurrence wherein the petitioner side also received grievous injury, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Jamui in connection with Jamui (Adarsh) P.S. Case No. 281 of 2017



subject to the conditions laid down in Section 438(2) of the
Cr.P.C.

(Dinesh Kumar Singh, J)

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