

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37982 of 2018

Arising Out of PS. Case No.-176 Year-2017 Thana- MARKAHI District- Khagaria

-
1. Pankaj Paswan
 2. Bipin Paswan Both Sons of Ram Balak Paswan resident of Village Marandih, P.S. Morkahi, District Khagaria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar

For the Opposite Party/s : Mr. Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-07-2018 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341,323,504,506 and 307/34 of the IPC.

The prosecution case as per the written report of Dukhni Devi, submitted to the SHO, Morkahi Police Station is to the effect that on 10.11.2017 at 3.00 P.M. the petitioner no. 1 Pankaj Paswan started ploughing a portion of land of the informant and when the husband of the informant Amarjeet Paswan protested then the petitioners along with Ram Balak Paswan, Kavita Devi and Sunaina Devi came and started abusing the informant and assaulted the husband of the informant. It is further alleged that petitioner no. 2 assaulted with iron rod on the neck of the



husband of the informant causing bleeding injury. When the informant went to rescue her husband, then petitioner no. 1 Pankaj Paswan assaulted the informant with lathi causing injury. When parents-in-laws of the informant came to rescue, they were assaulted by co-accused Ram Balak Paswan with lathi. They were also assaulted by co-accused Kavita Devi.

It is submitted by learned counsel for the petitioners that for the occurrence of 10.11.2017, the written report was submitted on 22.11.2017. There is no medical report on record and this fact has been recorded by the learned Sessions Judge in the impugned order after going through the case diary. However, no statement to that effect has been made in the petition. It is further submitted that the informant has retracted from the initial version and has filed a petition to that effect before the learned Court below. Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that accusation is specific against the petitioners though injury report is not on record.

Considering the delayed lodging of the FIR, statement being made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent and the fact that the



impugned order does not suggest any injury report on record, coupled with the retracted version of the informant, let the petitioners 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) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Khagaria in connection with Morkahi P.S. Case No.176 of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

The bail bonds of the petitioner will be accepted by the learned Court below only if the injuries of the informant's side are found to be simple.

(Dinesh Kumar Singh, J)

anil/-

U			
---	--	--	--

