

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.70854 of 2018**

Arising Out of PS. Case No.-120 Year-2015 Thana- SIMRI District- Darbhanga

Ram Krit Paswan, S/o- Late Vilash Paswan, Resident of Village- Banuli, P.S.-  
Simri, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Pankaj Kumar Das

For the Opposite Party/s : Mr. Ram Priya Saran Singh

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      18-12-2018                      Heard learned counsels for the petitioner and State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 147, 148,149, 452, 341, 323, 324, 307 and 504 of the IPC.

The prosecution case, as per the written report of Chhedi Paswan, dated 12.09.2015, submitted to the Station House Officer, Simri Police Station, is to the effect that in the background of disputed relationship of the informant with the petitioner, on 11.09.2015 at 8 PM, when the informant was taking meal, in the meantime, five accused persons came and started abusing the informant when on the order of co-accused Pankaj Paswan, the petitioner took Khanti from his brother and assaulted on the head of the informant causing bleeding injury and when the brother of the informant, Ramashish Paswan came



to rescue him, then he was also assaulted by Kaushal Paswan with farsa causing bleeding injury on his head and when the mother of the informant, Ram Dulari Devi came to rescue him, then the petitioner assaulted her with Khanti on her stomach. It is further alleged that the accused persons also poured chilly powder on the informant.

It is submitted by learned counsel for the petitioner that the accusation of assault has been levelled in the background of constrained relationship between the petitioner and the informant. It is further submitted that though the FIR was registered under Sections 147, 148, 149, 452, 341, 323, 324, 307 and 504 of the IPC, but the cognizance has not been taken under Section 307 IPC. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that there is specific accusation against the petitioner to have assaulted the informant and his mother.

Considering the nature of accusation in the background of constrained relationship between the parties and the fact that cognizance has not been taken under Section 307 of the IPC, coupled with the statement made in paragraph no.3 of



the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in connection with Simri P.S. Case No. 120 of 2015 subject to the condition as laid down under Section 438(2) of the Cr. P.C.

**(Dinesh Kumar Singh, J)**

Amrendra/-

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