

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27000 of 2018

Arising Out of PS. Case No.-59 Year-2017 Thana- KALUAHI District- Madhubani

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1. Chandan Paswan @ Chandan Kumar, Son of Birendra Paswan,
 2. Pankaj Paswan @ Pankaj Kumar Paswan, Son of Birendra Paswan, Resident of Village-Madhepur, P.S.-Kaluahi, District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav Adv.

For the Opposite Party/s : Mr. Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-05-2018 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307 and 379 of the IPC.

The prosecution case, as per the written report of Dipak Sahu,, dated 10.05.2017, submitted to the Station House Office, Kaluahi Police Station, is to the effect that on 10.05.2017 at 7 A.M. the grand-mother of the informant, Pano Devi was coming from her shop to her house, in the meantime, co-accused Gita Devi started abusing the grand-mother of the informant. Thereafter, petitioner no. 1, Chander Paswan also abused the grand-mother of the informant, when co-accused Birendra Paswan assaulted her and when the informant protested, then



petitioner Chander Paswan and Pankaj Paswan started abusing and assaulting the informant. Petitioner no.1, Chander Paswan gave shackle to petitioner no. 2, Pankaj Paswan and ordered to kill, whereupon petitioner no.2, Pankaj Paswan assaulted with shackle on the head of the informant and when the informant's father and cousin brother came to rescue him then co-accused Chander Paswan assaulted them with knife causing injuries on their head. It is also alleged that petitioner Pankaj Paswan snatched Rs. 10000/- from the pocket of the informant.

It is submitted by the learned counsel for the petitioners that though the accusation against the petitioners is to have caused injury with sickle and knife but the injuries of the informant and others have been found caused by hard and blunt substance. There is counter version of the occurrence being SC/ST P. S. Case no. 23 of 2017 registered for the offences under Sections 147, 149, 341, 323, 379, 354(A), 504 of the IPC and 3(i) (r) (s), 3 (r) (va) of the SC/ST (Prevention of Atrocities) Act. A statement has been made in paragraph no.3 of the petition that the petitioner no. 1 is accused in one other case in which he is on bail whereas the petitioner no. 2 is having no criminal antecedent.

Learned APP submits that accusation is specific against the



petitioners.

Considering the accusation being not corroborated with the medical opinion and there being a counter version of the occurrence, let the above named petitioners 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) each with two sureties of like amount each to the satisfaction of learned J.M. Ist, Madhubani in connection with Kaluahi P.S. Case no. 59 of 2017 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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