

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59728 of 2018

Arising Out of PS. Case No.-263 Year-2017 Thana- LAURIA District- West Champaran

Shailesh Paswan, S/o Saryug Paswan R/o Village- Thakur Tola, P.S. Lauriya,
Distt. West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Sir Pawan Kumar Chaurasiya, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-09-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 147/149/308/323/324/325341/354B/435/504 of the Indian Penal Code and Sections ¾ of the Prevention of Witch (Daain) Practices Act, 1999.

The prosecution case got initiated on the Fardbeyan of Ramrathi Ram, recorded by R. B. Kumar, S.I., Bettiah Town Police Station on 10.09.2017 at 13.15 P.M. at Surgical Ward of M.J.K., Hospital to the effect that on 09.09.2017 at 4.30 P.M., the informant and her aunt Godhni Devi were sitting at her door. In the meantime, the neighbors Awadhesh Paswan, Rampukar Paswan, Bachha Paswan, Saryug Paswan, Thag Paswan, Ratnesh Paswa, Jay Sindhu and the petitioner, namely, Shailesh



Paswan and others came armed with lathi, danda, dab. It is specifically alleged that co-accused, Thag Paswan, Rampukar Paswan and other accused persons pushed down the aunt of the informant and pulled her sari and when the informant went to save he was also assaulted. It is also alleged that co-accused, Awadhesh Paswan assaulted on the head of the informant with dabia, whereas, co-accused Thag Paswan started slitting the neck of the aunt of the informant with sickle, but she somehow saved herself. Co-accused Thag Paswan caused fracture injury over the left hand of the aunt of the informant. It is also alleged that accused persons set the house of one Ramchandra Ram on fire.

It is submitted by learned counsel for the petitioner that the accusation of assault and setting the house of Ramchandra Ram on fire is not specific against the petitioner, rather the specific accusation of assault is against co-accused, Awadhesh Paswan and Thag Paswan. There is a case, lodged by the petitioners' side, at earlier point of time, being Lauriya P.S. Case No.262 of 2017. Though, the petitioner is accused in one other case, apart from the present case, but in that case he is on bail. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.



It is submitted by learned APP for the State the accusation is specific against the petitioner.

Considering the fact that the accusation is not specific against the petitioner, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-I, Bettiah, West Champaran, in connection with Lauriya P.S. Case No.263 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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