

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70858 of 2018

Arising Out of PS. Case No.-188 Year-2018 Thana- AKBARPUR District- Nawada

Anil Paswan, Son of Shivnath Paswan, Resident of Village- Aswan, P.S.-
Akbarpur, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar
For the Opposite Party/s : Mrs. Pronati 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, 341, 323, 447, 307, 379, 504 and 506 of the IPC.

The prosecution case, as per the written report of Pintu Kumar, dated 01.08.2018 submitted to the Station House Officer, Akbarpur Police Station, is to the effect that on 01.08.2018 at about 10 AM, the informant was with his mother and sister, in the meantime, all the accused persons came variously armed and started abusing the informant and on protest being made, they started assaulting the informant and when the sister and mother of the informant came to rescue, then co-accused Ashok Paswan assaulted with lathi on the hand of the sister of the informant, whereas co-accused Lakshminiya



Devi and Manju Devi caught the hair log of the mother of the informant and dragged her and co-accused Bebi Devi assaulted her. It is further alleged that the petitioner tried to strangle the informant by roping towel around his neck. The petitioner also snatched gold chain from the mother of the informant, whereas co-accused Lakshminiya Devi snatched gold locket from the sister of the informant. Co-accused Lakshminiya Devi and Bebi Devi also threatened the informant.

It is submitted by learned counsel for the petitioner that the accusation against the petitioner is of attempting to strangle the informant, but the injury report of the informant does not suggest any injury over his neck. The injury report of the informant suggests only one superficial injury over his shoulder, which has not been caused by the petitioner. The accusation of snatching jewellery is cosmetic in nature. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. Moreover, there is counter version of the occurrence also, being Akbarpur Case No. 193 of 2018, lodged by the sister of the petitioner against the informant's side.

Learned APP submits that the petitioner is named in the FIR with specific accusation.



Considering the accusation not being corroborated by the medical opinion, 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 ACJM-I, Nawada in connection with Akbarpur P.S. Case No. 188 of 2018, 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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