

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47993 of 2018

Arising Out of PS.Case No. -114 Year- 2018 Thana -RAFIGANJ District- AURANGABAD

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1. Sudhir Paswan, S/o Ramashish Paswan,
2. Chandan Kumar S/o Raju Verma,
3. Rahul Paswan S/o Yugul Paswan,
4. Nitish Paswan @ Nitish Kumar S/o Sheo Pujan Paswan, All R/o Vill.-
Kajpa, P.S.- Rafiganj, District- Aurangabad.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Binod Kumar Pandey, Adv.
For the Opposite Party : Smt. Pronati Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 29-10-2018 This application has been listed under heading “To be mentioned” at the instance of the petitioners.

It has been submitted that in the order dated 04-10-2018, due to typographical error, the factual aspect has changed. Hence, the order dated 04-10-2018 is recalled and the same is re-casted as follows:-

Heard learned counsel for the petitioners and learned APP for the State and learned counsel for the informant.

The petitioners are apprehending their arrest in a case registered under Sections 341, 323, 448, 307, 379, 504, 506 of the Indian Penal Code.

The prosecution case, in brief, is that the accused persons



including the petitioners abused and assaulted the informant and his family members with lathi and danda and, accused Sudhir Paswan assaulted the informant by means of lathi on his head causing injuries.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. There is case and counter case between the parties. The specific allegation of assaulting on the head of the victim is against the petitioner No. 1. The doctor has kept the opinion reserved regarding nature of injury. General and omnibus allegation has been made against the petitioner No. 2, 3 & 4.

On behalf of the State and the informant, it is submitted that the petitioners are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner Nos. 2, 3 & 4, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Rafiganj P.S. Case No. 114 of 2018, subject to the conditions as laid down



under Section 438(2) of the Code of Criminal Procedure.

So far petitioner No. 1 is concerned, there is specific allegation of assaulting on the head of the victim against him, I am not inclined to grant anticipatory bail to the petitioner No. 1. The same is rejected.

If the petitioner No. 1 surrenders in the court below and seeks regular bail, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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