

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.96 of 2018

Arising Out of PS. Case No.-42 Year-2017 Thana- KORMA District- Sheikhpura

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1. Shiva Paswan @ Shiva, son of Garib Paswan.
 2. Brajesh Paswan @ Brajesh S/o Garib Paswan,
 3. Dharamraj Paswan @ Dharamraj Son of Avtar Paswan @ Ramotar Paswan, All resident of Village- Aalapur, P.S.- Korma, District- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash

For the Opposite Party/s : Mr. SRI RAJENDRA NATH JHA

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-02-2018 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

At the outset, the learned counsel for the petitioners prays for withdrawal of the anticipatory bail petition filed by the petitioner no. 3 and prays that he may be granted liberty to approach the concerned court for grant of regular bail.

Accordingly, the anticipatory bail petition as far as the petitioner no. 3 is concerned, is disposed off as withdrawn with liberty to the petitioner no. 3 to approach the concerned court for grant of regular bail.

Now, coming to the merit of the case, the allegation against the petitioners no. 1 and 2 is assaulting the informant Anandi



Paswan, however, the injury report of the said Anandi Paswan shows all the injuries to be simple in nature.

The learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case as well as they have a clean antecedent.

It is submitted that on account of construction of certain portion of window, dispute had taken place in between the prosecution side and the accused persons and both the side had entered into altercation with each other.

Per contra, the learned counsel for the informant vehemently opposed the payer for anticipatory bail.

Having regard to the facts and circumstances of the case as also the fact that the injuries arising out of assault by the petitioners no. 1 and 2 are simple in nature and the dispute is on account of petty feud, I deem it fit and proper to admit the petitioners no. 1 and 2, namely, Shiva Paswan @ Shiva and Brajesh Paswan @ Brajesh to the privilege of anticipatory bail, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class,



Sheikhpura in connection with Korma P.S. Case No. 42 of 2017
subject to the conditions as laid down under Section 438(2) of
the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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