

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20430 of 2018

Arising Out of PS. Case No.-15 Year-2018 Thana- RISHIUP District- Aurangabad

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1. Ganesh Paswan, S/o Vinesh Paswan,
 2. Suresh Paswan, S/o Vinesh Paswan,
 3. Manish Paswan, S/o Vinesh Paswan,
 4. Gautam Kumar @ Bhola Paswan, S/o Suresh Paswan,
 5. Dharendra Paswan, S/o Lakshaman Paswan,
- All R/o Village- Nathunagar Dudhar, P.S.- Risiup, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Leelawati Kumari, Adv.
For the Opposite Party/s : Smt. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-04-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 308/323/341/354/504/506/34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report dated 18.03.2016, submitted by Brahamdev Yadav to the Station House Officer, Ghosbari Police Station to the effect that there were some hot exchange between the son of the informant and petitioner no.4, Gautam Kumar for the hire of an auto rickshaw for travelling purpose. On 16.02.2018, at 6.00 P.M, the FIR named accused persons, including the petitioners, attacked



the informant with deadly weapon. It is specifically alleged that petitioner no.2, Suresh Paswan, assaulted the informant with iron rod causing injury on the left hand. It is further alleged that petitioner no.3, Manish Paswan, after wrapping a towel around the neck of the informant, tried to drag him.

It is submitted by learned counsel for the petitioners that for the occurrence of 16.02.2018, the written report was submitted on 23.02.2018. Neither the FIR reflects that any grievous injury has been caused to the informant, nor the learned Sessions Judge has discussed the nature of injury in the impugned order. Above all, for the same day of occurrence, there is a counter case, lodged by the petitioners' side being Risiup P.S. Case No.14 of 2018 with accusation for the offences punishable under Sections 323/341/354/504/506/34 of the I.P.C and under the provisions of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The aforesaid case was registered on 23.02.2018, at 06.05 P.M., whereas, the present case was registered on 23.02.2018 at 07.45 P.M. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that there is



accusation against all the petitioners to have made assault to the informant. However, there is delay in lodging of the FIR.

Considering delayed lodging of the FIR, petitioners' case lodged at earlier point of time, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners 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) each with two sureties of the like amount each to the satisfaction of the learned CJM, Aurangabad, in connection with Risiup P.S. Case No.15 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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