

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9584 of 2018

Arising Out of PS. Case No.-180 Year-2017 Thana- KALYANPUR District- East Champaran

1. Sujeet Paswan,
 2. Santosh Paswan
- Both Sons of Ramagya Hazara, Both R/o Village- Khatolwa,
P.S.- Kalyanpur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-02-2018 Heard learned Counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered
for the offences punishable under Sections 147, 448, 323, 325,
379, 307, 504 and 354B of the Indian Penal Code.

The prosecution case got initiated on the basis of written
report dated 29.09.2017 submitted by Kumari Kamla Paswan to
the Station House Officer, Motihari Town Police Station to the
effect that on 28.09.2017 at about 2.00 P.M., the informant was
in the house, in the meantime, the accused persons including the
petitioners came and started constructing the drainage in front of
the house of the petitioners. On protest being made, the accused
persons pushed the informant on the ground, causing injury on



her head and the accused persons took out the earring from the ear of the informant. It is alleged that petitioner no.2, Santosh Paswan assaulted the informant with lathi causing injury on the back side of her head. Co-accused Sonepati tried to throttle her. When the husband of the informant came to her rescue, then co-accused Ramagya Hazara assaulted with lathi on the head of the husband of the informant, causing fracture injury on his head. When the daughter of the informant Prity Priya and the son Prince Kunal came to rescue, they were also assaulted by the accused persons.

It is submitted by learned counsel for the petitioners that for the occurrence of 28.09.2014, the FIR was registered on 09.10.2017. It has been alleged against the petitioners to have assaulted on the head of the informant by lathi, but the injury has been found to be simple. The grievous injury has been attributed to be caused by Ramagya Hazara (non-petitioner). At earlier point of time, the petitioners' side lodged Kalyanpur P.S. Case No. 169 of 2017, levelling accusation under sections 341, 323, 307, 354, 379, 506 and 504/34 of the I.P.C. 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 Mr. J. N. Thakur, learned APP for the



State that the petitioners have also assaulted the informant.

Considering the delayed lodging of the case and the case lodged in the background of dispute with regard to construction of drainage, the case lodged by the petitioners' side 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, East Champaran at Motihari in connection with Kalyanpur P.S. Case No.180 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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