

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57844 of 2018

Arising Out of PS. Case No.-24 Year-2018 Thana- DANIYAWAN District- Patna

-
1. Ajay Paswan, Son of Dukh Haran Paswan,
 2. Shyam Nandan Paswan, Son of Hari Nandan Paswan.
- Both are Residents of Village- Madawan, P.S.- Daniyawar,
District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyamal Prakash, Adv.

For the Opposite Party/s : Mr. Asharaf Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-09-2018 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, 148, 149, 323, 324 and 307 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as per the written report of Rajendra Paswan, dated 02.03.2018, submitted by the Station House Officer, Daniyawar Police Station is to the effect that on 02.03.2018 at 3 PM, the informant went to the accused persons to pacify and forbidding them from abusing, then 12 accused persons surrounded the informant, whereupon on the order of co-accused Parmanand Paswan, co-accused Dayanand Paswan



caused firearm injury below the knee of the informant. In the meantime, when the son of the informant came to rescue, then on the order of petitioner no.2, Shyam Nandan Paswan, petitioner no.1, Ajay Paswan assaulted with farsa causing injury on the head of the informant. It is also alleged that petitioner no.2, Shyam Nandan Paswan, co-accused Harinandan Paswan and Randhir Paswan assaulted the son of the informant.

It is submitted by learned counsel for the petitioner that the accusation is not of repeating the blow by the petitioners. There is no injury report on the record, however, the impugned order reflects that the petitioners caused grievous injury to the informant. There is counter version of the occurrence also, being Daniyawan P.S. Case No. 25 of 2018, registered for the offences punishable under Sections 147, 148, 149, 323, 324 and 307 of the IPC and Section 27 of the Arms Act.

It is submitted by learned APP for the State that there is specific accusation of assault against the petitioners.

Considering that the specific accusation of assault is against petitioner no.1 and the impugned order suggests that injury has been found to be grievous, this Court is not inclined to grant privilege of anticipatory bail to petitioner no.1.



Hence, prayer for anticipatory bail to petitioner no.1 is rejected.

Let the learned court below consider the prayer for regular bail of the petitioner if he surrenders within a period of six weeks.

Considering the general and omnibus accusation against petitioner no.2, coupled with statement made in paragraph no.3 of the petition that the petitioner no.2 is not having any criminal antecedent, let the above named petitioner no.2 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) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Patna City, Patna in connection with Daniyawan P.S. Case No. 24 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--

