

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71872 of 2018

Arising Out of PS. Case No.-70 Year-2018 Thana- NALANDA District- Nalanda

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1. Suresh Paswan, Son of Late Binda Paswan.
 2. Ghanshyam Paswan.
 3. Krishna Paswan.
 4. Radhe Paswan. All Sons of Suresh Paswan.
 5. Balram Paswan, Son of Radhe Paswan. All Resident of Village-Chatarpar, Police Station-Nalanda, Distt.-Nalanda.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Anil Kumar Singh, Advocate.
For the Opposite Party : Mr. Shyam Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-12-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 147, 148, 149, 341, 323, 307, 379, 504, 506 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that when the informant was at his house, in the meantime, he received an information that one Sonu Kumar is grazing *Tarbuja* in his field by his animal due to which, his *Bhagina* Sajid Hassan went to the field and made protest due to which, he left from the field with animals, in the meantime, Suresh Paswan (petitioner no. 1), co-accused Maksudan Paswan, Nitish Kumar, Ranjan



Kumar, Rajiv Kumar, Mithilesh Paswan, Naulesh Paswan, Radhe Paswan (petitioner no. 4), Ghanshyam Paswan (petitioner no. 2) Krishna Paswan (petitioner no.3) and 100 others armed with variously weapon attacked and assaulted his *Bhagina* Sahid Hasan and Sakib Hasan due to which, both have received injuries. Balram Paswan (petitioner no. 5) also participated in the said occurrence. All accused persons assaulted them with pistol, Lathi, Danda, stone and brick. They also resorted firing. In the year 2002, some of the accused persons also committed offence and resorted firing and they were given threatening that if they would lodge the case then they will face dire consequences. They also looted Rs. 10,000/- and 8 *Bhar* golden jewellery.

It has been submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. Free fight is alleged to have taken place between the parties due to petty reason. There is case and counter case between the parties. Injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the State, it is submitted that the



petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or 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 the learned Chief Judicial Magistrate, Nalanda at Biharsharif, in connection with Nalanda P.S. Case No. 70 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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