

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11696 of 2019

Arising Out of PS. Case No.-261 Year-2018 Thana- MANIHARI District- Katihar

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1. SUDAM PASWAN, age-50 years, Male, S/o Khantar Paswan
 2. Madan Paswan, age-29 years, Male, S/o Sudam Paswan
 3. Mithun Paswan, age-31 years, Male, S/o Sudam Paswan,
All are resident of Naya Tola, Ward No.1, Harijan Colony, P.S.-Manihari,
District-Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh

For the Opposite Party/s : Mr.Ramchandra Sahni

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 28-02-2019 Heard both sides.

The petitioners apprehend their arrest in Manihari P.S. Case No.261 of 2018 registered under Sections 307, 379 and other Sections of the Indian Penal Code.

The informant, Pawan Kumar Paswan alleged that while he was coming to his house on a motorcycle with Raja Kumar and reached near the house of Shivraj Paswan, they saw the petitioners and others were playing gamble blocking the road. The informant asked the petitioners and others to give way but Sudam Paswan gave three blows on his head with iron pipe. Other accused persons assaulted the informant and others.

The learned counsel for the petitioner submits that some scuffle might have taken place but the allegation as alleged by the informant is false and concocted. The informant got one injury on head i.e. superficial and simple in nature although the informant alleged that the petitioner No.1, Sudam



Paswan gave three blows with iron pipe on his head but only one injury was found on the head of the informant. No other person was injured.

Taking into consideration the facts that the informant although alleged to have assaulted with iron pipe on his head by petitioner No.1 and only one injury that too simple in nature is found on the head of the informant and there is no allegation of assault against petitioner No.2 and petitioner No.3, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar in connection with Manihari P.S. Case No.261 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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