

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13313 of 2019**

Arising Out of PS. Case No.-252 Year-2018 Thana- CHAND District- Kaimur (Bhabua) *

Suresh Paswan, Son of Sri Ram Bachan Paswan @ Rambachan Resident of
Village-Dhobahan, P.S.-Chand, District-Kaimur(Bhabua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha

For the Opposite Party/s : Mr.Pranav Kumar

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 06-03-2019 Heard learned counsels for the petitioner and the

State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 307, 379, 504 and 506/34 of the IPC.

The prosecution case, as per the written report of Ramashish Prajapati, dated 05.12.2018, submitted to the Station House Officer, Chand Police Station, is to the effect that on 28.11.2018, at about 5 P.M., the informant was sitting near his door, in the meantime, the petitioner came and started abusing the informant and on protest being made, he assaulted the informant with axe and garrasa causing cut injury on his head, as a result, the informant fell down and when the wife of the informant came to rescue him, then she was also assaulted by



co-accused Rajesh Paswan and Bhaurik Paswan with lathi, danda, bricks and stones, as a result, she received injuries on her arm. In the meantime, co-accused Rambachan Paswan and Kharpat Paswan also came and assaulted the informant. It is also alleged that accused persons snatched a gold chain of the wife of the informant worth Rs. 20,000/-.

It is submitted by learned counsel for the petitioner that for the alleged occurrence of 28.11.2018, the FIR was registered on 05.12.2018. There is counter version of occurrence also, being Bhabua SC/ST P.S. Case No. 73 of 2018, lodged by wife of co-accused, Ram Bachan Paswan, against the informant of the present case, with accusation under Sections 341, 323, 354, 379, 452, 504, 506/34 of the IPC and Sections 3(1)(r)(s) of the SC/ST (Prevention of Atrocities) Act. It is further submitted that though the informant has received four injuries, but all the injuries have been found simple caused by hard and blunt substances, whereas the petitioner is alleged to have assaulted the informant with sharp cutting weapon. The wife of the informant received one grievous injury, but the accusation of assaulting the wife of the informant has not been alleged against the petitioner.

Learned APP submits that that the petitioner is named in the FIR with specific accusation.



Considering the delayed lodging of the case and the accusation of assaulting the informant by the petitioner not being corroborated by the medical opinion, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM-IV, Bhabua, Kaimur in connection with Chand P.S. Case No. 252 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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