

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16358 of 2019

Arising Out of PS. Case No.-142 Year-2018 Thana- KUMAR KHAND District- Madhepura

1. VIKASH PASWAN S/o Jai Prakash Paswan @ Prakash Paswan
 2. Dilip Paswan S/o Late Bhumi Paswan
 3. Jai Prakash Paswan S/o Late Bhumi Paswan
 4. Ranjan Devi W/o Jai Prakash Paswan @ Prakash Paswan
 5. Reena Kumari @ Rina Kumari D/o Jai Prakash Paswan @ Prakash Paswan
 6. Heena Kumari @ Hina Kumari D/o Jai Prakash Paswan @ Prakash Paswan
 7. Poonam Devi @ Punam Devi W/o Dilip Paswan
 8. Komal Devi W/o Vikash Paswan
- All Residents of Village - Baishadh, P.S. - Kumarkhand, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra
For the Opposite Party/s : Mr.Ramchandra Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 11-07-2019 The petitioners apprehend their arrest in connection with Kumarkhand P. S. Case No. 142 of 2018 registered under Sections 307, 323,324,341,379 and 504/34 of the Indian Penal Code.

Allegation against the petitioners is that the petitioners along with other accused persons assaulted the informant and his other family members variously causing injury to three persons including the informant. Allegation against petitioner no. 1 is that he assaulted the informant with the help of sword



on his left hand, petitioner no. 2 assaulted one Prashant Kumar with the help of *Farsa* on his right hand and petitioner no. 3 assaulted one Rajiv Kumar with the help of *Farsa* on the right side of his head and other petitioners assaulted the informant with the help of *Kachia* causing injury on his left hand.

Learned counsel for the petitioners submits that the both parties are agnates and there is previous land dispute between them. He further submits that there is case and counter case in between the parties inasmuch as the side of the petitioners also lodged Kumarkhand P.S. Case No. 141 of 2018 against the prosecution side in which Vikash Paswan i.e, petitioner no. 1 is informant. Learned counsel further submits that FIR lodged by petitioner no. 1 is prior in time to the FIR lodged by the informant in the present case. Learned counsel, on the basis of injury reports of all the three victims, submits that from perusal of injury report of the informant, namely, Nandan Sah, Annexure-3 series at page 20, it would be evident that injury caused by petitioner no. 1 to the informant is by hard and blunt substance at his right hand whereas allegation in the FIR is that petitioner no. 1 caused injury to the informant on his left hand and that too with sharp cutting weapon i.e., sword. Accordingly, learned counsel submits that allegation against petitioner no. 1 is



not corroborated by the medical evidence.

Learned counsel for the petitioners further placed reliance at page 21 of Annexure 3 series, which is injury report of another victim Prashant Kumar and submits that in the FIR, allegation against petitioner No. 2 is that he assaulted Prashant Kumar with the help of *Farsa* on his right hand whereas from perusal of injury report of Prashant Kumar, it would be evident that injury caused was on his right hand by hard and blunt substance as such allegation made against the petitioner no. 2 in the FIR is not corroborated by the medical evidence.

Further, referring to page 22 of Annexure-3 series, which is injury report of third victim Rajiv Kumar, learned counsel submits that allegation against petitioner no. 3 is that he assaulted him with the help of *Farsa* on the right side of his head whereas injury caused to Rajiv Kumar by hard and blunt substance is simple in nature as such allegation made in the FIR against petitioner no. 3 is not corroborated by the medical evidence. He further submits that injuries caused to other victims are non-vital part of the body and are simple in nature.

With regard to other petitioners i.e., petitioner nos. 4 to 8 are concerned, learned counsel submits that allegations are general and omnibus in nature of assaulting the informant with



Karchi and no specific allegation has been made against these accused persons i.e., the petitioners.

After having heard learned counsel for the parties and taking into consideration the fact that there is case and counter case in between the parties due to previous dispute and the parties are agnates and further that the side of the petitioners have lodged FIR prior to the FIR lodged against them and further taking into consideration the fact that allegation made in the FIR are not corroborated by the medical evidence, accordingly, I am inclined to grant anticipatory bail to the petitioners. Let the petitioners, above-named, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Madhepura in connection with Kumarkhand P.S.Case No. 142 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that petitioners shall remain physically present before the police/Court, as the case may be, as and when required, and in case of failure on their



part to appear before the Court on two consecutive dates without any reasonable cause, their bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J)

sujit/-

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