

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21768 of 2019

Arising Out of PS. Case No.-188 Year-2018 Thana- PIPRAKOTHI District- East Champaran

1. Ramayan Paswan, S/o- Sunerdeo Paswan, Resident of Village- Banyari, P.S.- Pipra Kothi, District- East Champaran.
2. Sonu Kumar @ Sonu Kumar Paswan, S/o- Subhash Paswan, Resident of Village- Banyari, P.S.- Pipra Kothi, District- East Champaran.
3. Ram Niwas Paswan, S/o- Sunerdeo Paswan, Resident of Village- Banyari, P.S.- Pipra Kothi, District- East Champaran.
4. Sunardeo Paswan, S/o- Late Nathuni Paswan, Resident of Village- Banyari, P.S.- Pipra Kothi, District- East Champaran.
5. Ramesh Paswan @ Ramesh Kumar, S/o- Surendra Paswan, Resident of Village- Banyari, P.S.- Pipra Kothi, District- East Champaran.
6. Ram Shresth Paswan @ Genda Paswan, S/o- Ramswaroop Paswan @ Swarup Paswan, Resident of Village- Banyari, P.S.- Pipra Kothi, District- East Champaran.
7. Ranjay Paswan, S/o- Ramshrestha Paswan, Resident of Village- Banyari, P.S.- Pipra Kothi, District- East Champaran.
8. Chhotu Paswan, S/o- Subhash Paswan, Resident of Village- Banyari, P.S.- Pipra Kothi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anshuman Singh, Advocate Mr. Rakesh Kumar No.1, Advocate
For the Informant	:	Mr. Sanjay Kumar No. 7, Advocate Mr. Anant Kumar Mishra, Advocate
For the Opposite Party/s	:	Mr. J.N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-04-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case



registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307 and 504 of the Indian Penal Code.

The prosecution case, as per the written report of Murat Devi dated 21.08.2018 submitted to the Camp Officer, Sadar Hospital, Motihari, is to the effect that on 20.08.2018 at 6.00 P.M., the informant and her daughter, Madhu Kumari were sitting near the door when 10 FIR named accused persons including the petitioners came and started abusing the daughter of the informant. On protest being made, co-accused Surendra Paswan ordered when co-accused Binod Paswan assaulted with Farsa causing cut injury on the head of the informant. Thereafter, other co-accused persons assaulted with lathi and fists. When the daughter of the informant raised alarm, then co-accused Surendra Paswan assaulted the daughter of the informant with Farsa causing bleeding injury. On hearing the alarm, agnates of the informant came then co-accused Surendra Paswan and Sonu Paswan, petitioner no. 2 assaulted Kamlesh Paswan on his head, as a result, he fell down on the ground and all the persons also assaulted the other agnates of the informant.

It is submitted by learned counsel for the petitioners that at earlier point of time, petitioner no. 4, Sunardeo Paswan lodged Pipra-Kothi P.S. Case No. 185 of 2018 with accusation



punishable under Sections 290 and 354/34 of the Indian Penal Code against unknown persons but mentioning the mobile numbers subsequently, the said mobile phone was found registered in the name of informant's son. During investigation of the case lodged on behalf of the petitioners' side, police came into the village when the informant misbehaved with them, leading to registration of Pipra-Kothi P.S. Case No. 186 of 2018 with accusation punishable under Sections 307, 379, 353 of the Indian Penal Code against the informant Prem Paswan and others. Petitioner No. 5, Ramesh Paswan lodged Pipra-Kothi P.S. Case No. 195 of 2018 with accusation punishable under Sections 307, 379 and other sections of the Indian Penal Code against the informant's side and Pipra-Kothi P.S. Case No. 223 of 2018 with accusation punishable under Sections 323, 341, 307 of the IPC was also lodged against the informant's side. The specific accusation of assault is against co-accused Binod Paswan, Surendra Paswan and Sonu Paswan, out of whom, Binod Paswan and Surendra Paswan are not the petitioners before this Court. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned counsel for the informant submits that though



the co-accused Binod Paswan and Surendra Paswan are not the petitioners before this Court but there is specific accusation of assault by Sonu Paswan, petitioner no. 2 and Kamlesh Paswan is only injured person, who has received grievous injury.

Considering the fact that out of 8 petitioners only specific accusation of assault has been levelled against petitioner no. 2, Sonu Paswan apart from two assailants namely, Binod Paswan and Surendra Paswan are not petitioners before this Court and admitted fact that only one grievous injury has been caused to Kamlesh Paswan, let the learned Court below consider the prayer for regular bail of petitioner no.2, Sonu Pawan, if he surrenders before the learned Court below within a period of six weeks from today without being prejudiced by the order of this Court.

Since there is no specific accusation of assault against other petitioners, let the above named petitioners except petitioner no. 2, Sonu Kumar @ Sonu Kumar Paswan be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East



Champaran at Motihari in connection with Pipra-Kothi P.S.
Case No. 188 of 2018, subject to the conditions as laid down
under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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