

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21765 of 2019

Arising Out of PS. Case No.-412 Year-2018 Thana- KUDRA District- Kaimur (Bhabua)

1. Ashok Paswan Son of Late Yamuna Paswan Resident of Village - Mathachak, P.S.- Kudra, Distt - Kaimur at Bhabhua
2. Vinod Paswan Son of Late Baduri Paswan Resident of Village - Mathachak, P.S.- Kudra, Distt - Kaimur at Bhabhua
3. Pramod Paswan Son of Late Baduri Paswan Resident of Village - Mathachak, P.S.- Kudra, Distt - Kaimur at Bhabhua
4. Sonu Paswan Son of Ashok Paswan Resident of Village - Mathachak, P.S.- Kudra, Distt - Kaimur at Bhabhua
5. Nitish Paswan Son of Ashok Paswan Resident of Village - Mathachak, P.S.- Kudra, Distt - Kaimur at Bhabhua
6. Arbind paswan Son Late Ramayan Paswan Resident of Village - Mathachak, P.S.- Kudra, Distt - Kaimur at Bhabhua
7. Sanju Paswan Son of Late Ramayan Paswan Resident of Village - Mathachak, P.S.- Kudra, Distt - Kaimur at Bhabhua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

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, 323, 324, 325, 338, 307, 379, 448, 427, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case got initiated on the basis of



written report dated 22.09.2018 submitted by Sandeep Kumar to the Station House Officer, Kudra Police Station is to the effect that on 20.09.2018, the brother of the informant, Prakash Bind went to the market with his bicycle, but mistakenly he returned on another bicycle. Subsequently, co-accused, Mahendra Paswan, the bicycle owner by whose bicycle, the brother of the informant along with other accused persons came at the house of Prakash Bind and assaulted him with fists, whereas his son Krishna Paswan abused Prakash Bind. It is further alleged that the petitioners and co-accused Krishna Paswan again assaulted Prakash Bind, causing head injury. Co-accused Krishna Paswan also assaulted the informant with belt. It is further alleged that on the same day at 9.00 P.M., all the accused persons, fifty in number, came on an auto rickshaw and 10-12 motorcycles, variously armed and assaulted many persons of the village Mathachak.

It is submitted by learned counsel for the petitioners that 35 persons are named in the FIR. The accusation is omnibus and general against the petitioners and other co-accused persons. Though as per the FIR five persons are alleged to have received injury, but the injury report of only two persons namely, Dhanbarti Devi and Ganpat Bind is on record. There is no



accusation of repeating the blow. It is further submitted that the petitioners' side lodged Kudra P.S. Case No. 411 of 2018 against the informant's side at earlier point of time. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners are named in the FIR.

Considering the accusation being omnibus and general and statement being made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners 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, Kaimur at Bhabua in connection with Kudra P.S. Case No. 412 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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