

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.41616 of 2019**

Arising Out of PS. Case No.-95 Year-2019 Thana- KISHANGANJ District- Kishanganj

1. BIKASH KUMAR PASWAN @ BIKASH PASWAN
2. Bijay Paswan
3. Deepak Paswan  
All sons of Rajendra Paswan Resident of Village - Dheksara, Ward No.8,  
P.S.- Kishanganj, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Upendra Mishra  
For the Opposite Party/s : Mr.Amit Kumar Rakesh

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

3      27-09-2019                      Heard both sides.

The petitioners apprehend their arrest in Kishanganj P.S. Case No.95 of 2019 registered under Sections 341, 323, 307, 504, 506 and 34 of the Indian Penal Code. Later on, after death of Shankar Sahni, during the course of treatment, Section 302 of the Indian Penal Code was added.

The informant, Satyanarayan Sahni named the petitioners along with others and alleged that the accused persons assaulted his nephew, Rajan Sahni who was unconscious. When the informant along with Shankar Sahni, Laxmi Kumar and other family members went to see Rajan Sahni, Bikash Paswan, Bijay Paswan, Lohit Paswan and Deepak Paswan surrounded the informant and assaulted the informant and others. The informant and others got injuries on their head. Shankar Sahni also got head injury on account of assault made by Bikash Paswan with iron rod.



The learned counsel for the petitioners submits that there is a counter version being Kishanganj P.S. Case No.94 of 2019. Shankar Sahni died after one month of the occurrence and only one injury was found on the head of Shankar Sahni.

Learned A.P.P. submits while opposing the prayer for anticipatory bail that all the petitioners have already been declared absconder and process under Section 82 and 83 have already been issued.

From perusal of the record, it appears that petitioners indiscriminately assaulted the informant and others. When they went to see their injured nephew, Rajan Sahni, on account of assault made by Bikash Paswan, Shankar Sahni got head injury and he died during the course of treatment.

Since the petitioners have already been declared absconder after exhausting the process under Section 82 and 83 Cr.P.C., I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

**(Prabhat Kumar Jha, J)**

Saurabh/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

