

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 58068 of 2019

Arising Out of PS. Case No.-325 Year-2019 Thana- HILSA District- Nalanda

1. ASHOK PASWAN, Male, aged about 30 years, Son of Bhagwat Paswan,
2. Krishna Paswan @ Krishn Paswan, male, aged about 25 years, Son of Doman Paswan,
Both Residents of Village - Kapasiawan, P.S.- Hilsa, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Adv.

For the Opposite Party/s : Mr.Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 16-11-2019 Heard learned counsel for the petitioners, the informant and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Section 341, 323, 307, 504/34 of the Indian Penal Code.

Prosecution case is that one Basant Paswan son of Late Karumu Paswan gave a written information on 05.07.2019 addressing to the S.H.O., Hilsa Police Station in which alleging precisely therein inter alia that today on 05.07.2019 at 5.00 A.M. his villagers Ashok Paswan s/o Bhagwat Paswan, Krishna Paswan (petitioner) s/o Doman Paswan, Arbind Paswan s/o Dilip Paswan, village-Kapasiyawan, P.S.-Hilsa, Distt.-Nalanda



altogether came armed with various arms and used the abusive language and assaulted his brother Balmiki Paswan by means of sharp weapon on head and Chandan Kumar also assaulted and sustained injury who came to materlised the dispute, cause of dispute due to supply of water.

Learned counsel for the petitioners submits that from perusal of the FIR, itself it is evident that instant FIR lodged on the basis of written application against four persons including the petitioners and allegation of mar-pit by sharp weapons but injury report not supported the prosecution story because injury report of Balmiki Paswan has only single injury caused by hard and blunt object.

Learned counsel for the petitioners further submits that alleged occurrence not taken place in alleged manner rather both parties are co-villager and next door neighbour and there is dispute between both relates to water supply which also admitted by informant in the instant FIR and mar-pit taken place between both side and a Hilsa P.S. Case No. 324/2019 was also lodged by Doman Paswan (father of petitioner) against Balmiki Paswan, Chandan Paswan, Santosh Paswan, Sunil Paswan and Duryodhan Paswan and instant case only to save their skin from Hilsa P.S. Case No. 324/2019, present FIR has been lodged by



the informant.

Learned counsel for the petitioners further submits that the petitioners have clean antecedent. A counter affidavit has been filed on behalf of the informant.

Learned counsel for the informant submits that injured Balmiki Paswan has been brought to Sub-Divisional Hospital, Hilsa, Nalanda in serious condition and after made primary treatment injured was referred to Department of Emergency, P.M.C.H., Patna on same day on 05.07.2019.

Learned counsel for the informant further submits that the victim Balmiki Paswan has been admitted on same day on 05.07.2019 at 5.28 P.M. in P.M.C.H. Emergency patient in Semi conscious condition, treatment was started and examination on N.C.C.T. of Brain done accordingly by Radiologist and was found fracture of parietal bone Squamish part of temporal bone. Thereafter, on 01.08.2019 CT Scan of Orbits with contrast was done in Renowned Chaudhary Imaging, Patna and found the opinion-multiple bony fractures involving left side of the calvarias. There is serious allegation against the petitioners.

In the aforesaid facts and circumstances, I am not inclined to enlarge the petitioners on bail. Accordingly, the prayer for bail of the petitioners are rejected in connection with



Hilsa P.S. Case No. 325 of 2019 from the Court of learned
A.C.J.M.-1st, Hilsa (Nalanda).

Accordingly, the application is dismissed.

(Anjani Kumar Sharan, J)

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