

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61245 of 2019

Arising Out of PS. Case No.-129 Year-2019 Thana- MAKHDUMPUR District- Jehanabad

1. RAJ KARAN PASWAN @ RAJ KARAN KUMAR Son of Lalit Paswan Resident of Village - Kanchnawan/Kachnanwan Tola Rampur, P.S.- Makhdumpur, Distt - Jehanabad.
2. Nitish Paswan @ Nitish Kumar Son of Daya Nand Paswan Resident of Village - Kanchnawan/Kachnanwan Tola Rampur, P.S.- Makhdumpur, Distt - Jehanabad.
3. Raju Paswan @ Raj Kapur Kumar Son of Daya Nand Paswan Resident of Village - Kanchnawan/Kachnanwan Tola Rampur, P.S.- Makhdumpur, Distt - Jehanabad.
4. Tarun Paswan Son of Chandeshwar Paswan @ Chandeshwar Das Resident of Village - Kanchnawan/Kachnanwan Tola Rampur, P.S.- Makhdumpur, Distt - Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Paras Nath
For the Opposite Party/s : Ms.Rita Verma

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 16-10-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 148, 149, 452, 341, 323, 325, 307, 379, 504, 506 of the Indian Penal Code registered in connection with Makhdumpur P.S. Case No. 129/2019.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of petty dispute and the parties are neighbours. In any event the injuries resulting from the assault attributed to the petitioners are simple in nature, save and except the



injury sustained by the informant's son on his eye attributed to the petitioner no. 3. The petitioners claim clean antecedents.

4. Learned APP assisted by learned counsel for the informant appears and has been heard. It is pointed out from the order of the learned Sessions Judge that the injury sustained by informant's son Anand Prakash is severe by way of fracture-displacement of floor of lt. orbit, fracture of medial wall of lt. orbit, preseptal diffuse edema, edema & diffuse stranding densities in lt. Retrobulbar region.

5. Considering the grievous injury sustained by the informant's son on vital part of the body attributed to the assault of petitioner no. 3, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner no. 3, Raju Paswan @ Raj Kapur Kumar. The anticipatory bail petition as against him stands dismissed.

6. As regards petitioner nos. 1, 2 and 4, in the event of their arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner nos. 1, 2 and 4 be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned SDJM, Jehanabad in connection with Makhdumpur P.S. Case No. 129/2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

i. That one of the bailors shall be a close relative of the petitioner nos. 1, 2 and 4.



ii. That the petitioner nos. 1, 2 and 4 shall not indulge in any similar offence till conclusion of the trial.

iii. That the petitioner nos. 1, 2 and 4 shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

iv. That the petitioner nos. 1, 2 and 4 shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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