

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.79184 of 2018

Arising Out of PS. Case No.-49 Year-2018 Thana- GAYA KOTWALI District- Gaya

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1. Nagina Paswan son of Late Antu Paswan.
 2. Madan Paswan son of Late Antu Paswan.
- Both are Resident of Village-Murli Hill Pahadi, P.S.- Kotwali, District-Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Sri S.M. Rahman

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 28-01-2019 Heard both sides.

The petitioners apprehend their arrest in Kotwali P.S.
Case No.49 of 2018 registered under Sections 147, 341, 323,
504, 506 and 308 of the Indian Penal Code.

The informant named the petitioners and alleged that they having armed with different weapons came and began to assault the informant and others. The informant alleged that Madan Paswan (petitioner no.2) assaulted him with iron rod on his head. Sonu Kumar assaulted Jitendra Kumar (brother of informant) on his head and blood started oozing. Suraj Kumar (another brother of the informant) came to save, Sunny Paswan assaulted with stick on his head. The other accused persons assaulted the informant and others with fists and slaps.



Learned counsel for the petitioners submits that there is no specific allegation of assault against petitioner no.1 Nagina Paswan. Madan Paswan (petitioner no.2) is alleged to have assaulted the informant with iron rod but the injury found on the informant is caused by sharp edged weapon.

It appears from perusal of records that there is no allegation of assault against petitioner no.1.

Having considered the fact that there is no allegation of assault against Nagina Paswan (petitioner no.1), petitioner no.1 (Nagina Paswan) in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Kotwali P.S. Case No.49 of 2018, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

So far the case of Madan Paswan (petitioner no.2) is concerned, he is alleged to have assaulted the informant with iron rod on his head and the doctor found one sharp cut injury on occipital region. The opinion of the injury is kept reserved



till X-ray.

Having considered the fact that the petitioner no.2 Madan Paswan assaulted the informant with iron rod and the injury was caused on the head of the informant, I am not inclined to enlarge the petitioner no.2 Madan Paswan on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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