

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1435 of 2020

Arising Out of PS. Case No.-73 Year-2019 Thana- KAJRAILICHAK District- Bhagalpur

1. Wakil Paswan Son of Deep Narayan Paswan Resident of Village - Murath, P.S.- Kajraili, District - Bhagalpur.
2. Suresh Paswan @ Sursh Paswan Son of Deep Narayan Paswan Resident of Village - Murath, P.S.- Kajraili, District - Bhagalpur.
3. Chhotu Paswan Son of Wakil Paswan Resident of Village - Murath, P.S.- Kajraili, District - Bhagalpur.
4. Golu Paswan Son of Suresh Paswan Resident of Village - Murath, P.S.- Kajraili, District - Bhagalpur.
5. Mithlesh Paswan Son of Naresh Paswan Resident of Village - Murath, P.S.- Kajraili, District - Bhagalpur.
6. Abdhesh Paswan Son of Naresh Paswan Resident of Village - Murath, P.S.- Kajraili, District - Bhagalpur.
7. Nakul Paswan Son of Naresh Paswan Resident of Village - Murath, P.S.- Kajraili, District - Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Shraddhanand Paswan, Advocate
For the Opposite Party/s : Mr.Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 26-02-2020 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners have filed the instant application for grant of anticipatory bail apprehending their arrest in connection with Kajraili P.S Case no. 73 of 2019 registered for the offence under sections 354B, 324, 323, 341, 504 and 34 of the Indian Penal Code.

As per allegation in the FIR, while the informant was in



her agriculture filed, the accused persons started to abuse her, misbehaved with her and assaulted her. She states that the occurrence took place on 5.9.2019 at 9.30 am. She went back home and narrated about the occurrence to her husband and thereafter when they proceeded to the police station, the accused persons once again assaulted her where after she was sent by the Officer-in-Charge to the referral hospital with the Choukidar and from there she was referred to Mayaganj Hospital for better treatment.

It is submitted by learned counsel for the petitioners that from perusal of the FIR it would transpire that the occurrence is said to have taken place on 5.9.2019 at 9.30 am. Although the manner of occurrence is denied by the petitioners, the injury which the informant is said to have sustained, which is evident from the injury report brought on record as Annexure 4 to the application, is simple in nature. In spite of the police station being at the distance of only 3 kms from the place of occurrence, the FIR was registered after more than 7 days of the occurrence i.e. on 12.9.2019 with no explanation whatsoever for the delay. It is further submitted that on an application filed by the petitioners before the Superintendent of Police, the matter was enquired and by a memo no. 14 dated 17.9.2019 the Kajraili



Police found that there was dispute between the parties with respect to the selection of Sahaika and Asha Karyakarta. It is finally submitted that the petitioners have no criminal antecedent

The application for bail has been opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the nature of injuries and the delay in lodging of the FIR, the Court is inclined to enlarge the petitioners on bail. The petitioners above named, in the event of their arrest or surrender in the Court below within a period of six weeks from today in connection with Kajraili P.S Case no. 73 of 2019 are directed to be enlarged on bail on each of them furnishing bail bond of Rs 10,000.- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate XIV I/C, Bhagalpur, subject to the conditions as laid down in section 438 (2) of Criminal Procedure Code.

(Partha Sarthy, J)

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