

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5861 of 2020**

Arising Out of PS. Case No.-674 Year-2019 Thana- KHAGARIA District- Khagaria

1. GULSHAN KUMAR Son of Vidya Paswan Resident of Village - Sanhauli, P.S.- Chitragupta Nagar, Distt - Khagaria.
2. Raj Babbar Son of Vidya Paswan Resident of Village - Sanhauli, P.S.- Chitragupta Nagar, Distt - Khagaria.
3. Dev Nandan Paswan Son of Sito Paswan Resident of Village - Sanhauli, P.S.- Chitragupta Nagar, Distt - Khagaria.
4. Govind Paswan Son of Dev Nandan Paswan Resident of Village - Sanhauli, P.S.- Chitragupta Nagar, Distt - Khagaria.
5. Sanjeev Paswan Son of Indal Paswan Resident of Village - Sanhauli, P.S.- Chitragupta Nagar, Distt - Khagaria.
6. Yashwant Kumar Son of Vindeshwari Paswan Resident of Village - Sanhauli, P.S.- Chitragupta Nagar, Distt - Khagaria.
7. Pintu Paswan Son of Dev Nanan Paswan Resident of Village - Sanhauli, P.S.- Chitragupta Nagar, Distt - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh, Advocate
For the Opposite Party/s : Mr.Nityanand, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 27-08-2020 Heard learned counsel for the petitioners and Mr. Nityanand, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Khagaria (Chitragupta Nagar) P.S. Case No. 674 of 2019 registered for the offences punishable under Sections 341, 323, 325, 315, 379, 354, 504, 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that it is a case



of false and over-implication by making allegations which have not been substantiated in course of investigation.

It is further submitted that both the parties are own gotiyas and are living in the same courtyard. It is submitted that due to land dispute the present FIR has been lodged.

Learned counsel submits that the injuries found on the body of Pankaj Paswan (husband of the informant) and Badal Paswan (Nandoshi of the informant) are on non-vital part of the body and those are simple in nature. It is submitted that the allegations of the informant that she was also assaulted and that her daughter who was pregnant suffered miscarriage due to assault are not at all substantiated in course of investigation as neither any witness has supported the same nor the injury report shows any injury of any kind on their body.

Learned APP for the State has though opposed the prayer for anticipatory bail of the petitioners but considering the facts and circumstances of the case and on perusal of the case diary, having noticed that the entire allegations are not supported by the injury reports, the informant and her daughter has not suffered any injury and further that the husband and Nandoshi have got injury on non-vital part which are simple in nature as also that these petitioners are own gotiyas and they are said to have been involved in this case because of land dispute, otherwise they have no criminal antecedent, let the petitioners above named in the event of their arrest or



surrender within a period of six weeks from today in connection with Khagaria (Chitragupta Nagar) P.S. Case No. 674 of 2019, G. R. No. 2586 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

