

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10810 of 2020

Arising Out of PS. Case No.-97 Year-2019 Thana- DURAULI District- Siwan

1. MITHU PASWAN Son of Late Bangali Paswan Resident of Village - Belaon, P.S. - Darauli, District - Siwan.
2. Ram Babu Paswan @ Rambau Paswan Son of Late Bangali Paswan Resident of Village - Belaon, P.S. - Darauli, District - Siwan.
3. Santosh Paswan Son of Late Bangali Paswan Resident of Village - Belaon, P.S. - Darauli, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar, Advocate
For the State	:	Mr. Shantanu Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 10-07-2020 Heard Mr. Ranjeet Kumar, learned counsel for the petitioners and Mr. Shantanu Kumar, learned Additional Public Prosecutor appearing for the State through video conferencing.

Learned counsel for the petitioners is directed to remove the defect(s) as pointed out by the Stamp Reporter within eight weeks.

Petitioners apprehend arrest in connection with Darauli P.S. Case No. 97 of 2019 registered for the offences punishable under Sections 341, 323, 324, 307, 354, 504 and 506/34 of the Indian Penal Code.



The allegation against the petitioners is that petitioners No. 1 and 2 assaulted father-in-law of the informant namely, Vinay Chand Paswan by means of knife and petitioner No. 3 assaulted cousin father-in-law (*Chachera sasur*) of the informant namely Uday Chand Paswan by means of sword.

Learned counsel for the petitioners submits that both the parties are co-villagers and there is land dispute between them. Learned counsel further submits that there is case and counter case inasmuch as for an incident which has taken place on the same date, a counter case has been lodged by the side of the petitioners bearing Darauli P.S. Case No. 98 of 2019. Learned counsel referring to Annexure-2 submits that though the wife of the petitioner No. 1 had given information to the Police on 23.06.2019 regarding the incident, but the First Information Report has been lodged by the Police on 24.06.2019. Learned counsel referring to supplementary affidavit submits that from perusal of Annexure-4 series which are the injury reports of the victims, it would be evident that Uday Chand Paswan received simple injury caused by hard and blunt substance



whereas allegation against the petitioner No. 3 is of assaulting him by means of sword which is a sharp cutting weapon. Learned counsel further submits that from perusal of the injury report of Vinay Chand Paswan, it would be evident that injuries No. 2 and 3 are simple in nature but injury No. 1 is grievous and all the injuries have been caused by hard and blunt substance whereas allegation against the petitioners No. 1 and 2 is that they assaulted Vinay Chand Paswan by means of knife causing injuries to him.

Having regard to the submissions made by the parties and taking into consideration the fact that both the parties are co-villagers and there is case and counter case between the parties as well as all the injuries caused to the victims are simple in nature except injury No. 1 on Vinay Chand Paswan which has been caused by hard and blunt substance, I am inclined to grant bail to the petitioners.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioners, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand)



each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan, in connection with Darauli P.S. Case No. 97 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bails bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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