

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9548 of 2020

Arising Out of PS. Case No.-362 Year-2019 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. ALOK PASWAN Son of Ram Janam Paswan Resident of Village - Mathiya Bankat, P.S. - Motihari Muffasil, District - East Champaran.
 2. Deepak Paswan Son of Ram Janam Paswan Resident of Village - Mathiya Bankat, P.S. - Motihari Muffasil, District - East Champaran.
 3. Deepu Kumar Son of Ram Janam Paswan Resident of Village - Mathiya Bankat, P.S. - Motihari Muffasil, District - East Champaran.

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Madhurendra Kumar
For the Opposite Party/s :	Mr. Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 04-09-2020 This case has been heard through video-conferencing.

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 341, 323,
354 B, 354, 379, 504 & 506/34 of the Indian Penal Code.

While the informant was sleeping with her sister at
her courtyard at about 12 PM all the petitioners, who are her co-
villagers reached there, tried to lift her and when the informant
screamed then the petitioner no.1 closed her mouth. The



informant further alleged that her sister also wake up and screamed then all the accused persons lifted her and taken her outside. It has further been alleged that on hearing the noise, the parents and aunt of the informant came in their rescue then the accused persons left her. They tore her night dress and disrobed her. The informant further alleged that the petitioner no.1 threw Dabila upon the aunt of the informant and she received injury on her left hand. On hearing noise, when Ravindra Paswan reached there petitioner no.2 assaulted him with piece of bamboo which hit his head. They also committed theft of Rs.5000/- cash and cloth worth Rs.12,000/-.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to previous enmity between the parties. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Both the parties are co-villagers and dispute arose on a minor issue. During course of investigation, the I.O. has not found the allegation of theft true. In the medical examination, the doctor has not found any external injury on the part of Ravindra Paswan and Anandi Devi. It is also submitted that from the allegations, as mentioned in the F.I.R.,



no case under Section 354 B of the Indian Penal Code is made out against the petitioners and rest sections are bailable in nature. Petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Muffasil P.S. Case No.362 of 2019, G.R. Case No.6067 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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