

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12183 of 2020

Arising Out of PS. Case No.-361 Year-2019 Thana- SHIVSAGAR District- Rohtas

1. DHARENDRA PASWAN Son of Deodhari Paswan Resident of Village- Mitanda, P.S.- Shiv Sagar (Baddi), District- Rohtas (Bihar).
2. Dharmendra Paswan Son of Deodhari Paswan Resident of Village- Mitanda, P.S.- Shiv Sagar (Baddi), District- Rohtas (Bihar).

... .. Petitioner/s

Versus

The State of Bihar .

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arun Kumar, Adv.
For the State	:	Mr. Tarun Prasad Mandal, APP
For the Informant	:	Mr. Ajay Kumar Tiwari, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

4 09-10-2020 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State, through video conferencing.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Shiv Sagar (Baddi) P.S. Case No. 361 of 2019, registered under sections 302, 307, 323, 147, 148, 149, 504 and 506 of the Indian Penal Code.

As per allegation in the FIR, the nine named accused persons came and assaulted the informant and the members of his family injuring the informant, his mother and wife. It is stated that the father of the informant died. It is thereafter stated that Devdhari Paswan and his two sons, who are the petitioners



herein, were also part of the group which was assaulting.

It is submitted by learned counsel for the petitioners that from perusal of the FIR itself it would be evident that it was subsequently by way of an afterthought that the names of these petitioners and their father was implicated or else they would have been named in the first group of persons. It is further submitted that the postmortem report of the father of the informant does not support the allegation made in the FIR for the reason that even after assault by nine named accused persons or twelve including these petitioners, only one injury and that too bruise over right side of upper part of abdomen was found on the body of the deceased. The injuries on the others are simple in nature. The petitioners have no criminal antecedent.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the petitioners are named in the FIR but there is specific overt act against them and soon after the occurrence in which the petitioners actively participated, the father of the informant died as a result of haemorrhage and shock caused by the said injuries by hard and blunt substance. It is submitted that so far as the other accused persons are concerned, they are moving for regular bail and it is



not a case for grant of anticipatory bail.

Case diary called for in the case, has been received.

Having heard learned counsel for the parties and taking into consideration the nature of allegations against 12 named accused persons including the petitioners herein assaulting the informant as also his father with lathi, danda etc. and against such an assault, only one bruise injury was found on the body of the deceased, the Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of eight weeks from today and in the event of their arrest or surrender in connection with Shiv Sagar (Baddi) P.S. Case no. 361 of 2019, they will 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 learned Chief Judicial Magistrate, Rohtas at Sasaram subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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