

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13103 of 2020

Arising Out of PS. Case No.-258 Year-2019 Thana- ARA MUFFSIL District- Bhojpur

1. AJEET PASWAN Son of Bhukhan Paswan
 2. Rahul Paswan Son of Jiut Paswan @ Jivit Ram
 3. Tribhuan Paswan Son of Late Ramsundar Paswan
- All are resident of Village - Sarangpur, P.S.- Ara Mufassil, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 03-03-2020 Heard both sides.

The petitioners seek bail in Ara Mufassil P.S. Case No.258 of 2019 registered under Sections 147, 148, 149, 341, 323, 324, 504, 307 and 302 of the Indian Penal Code.

The informant disclosed that Baljor Paswan was selling egg by the side of his house. Bhukhan Paswan and Jiut Paswan asked him to give egg on credit but Baljor Paswan did not give egg on credit. Both the accused, Bhukhan and Jiut started abusing Baljor Paswan and also called Ajeet Paswan(petitioner No.1), Tribhuan Paswan(petitioner No.3), Rakesh Paswan, Prem Paswan, Rahul Paswan(petitioner No.2), Vishal Paswan and they all having armed with different



weapons came and began to assault Baljor Paswan. When her husband went to save, Bhukhan Paswan caught her husband and Jiut Paswan assaulted her husband with farsa on his head. Kirit Paswan @ Tirth Paswan, the husband of the informant fell down on the ground. When her brother-in-law, Bijendra Ram went to save her husband, Tribhuan Paswan is said to have put Bijendra Ram on the ground and pressed his chest. Bijendra Ram also got injuries.

The learned counsel for the petitioners submits that there is no specific allegation of assault against Ajeet Paswan(petitioner No.1) and Rahul Paswan(petitioner No.2). Tribhuan Paswan(petitioner No.3) is said to have put Bijendra Ram on the ground and pressed his chest. Bijendra Ram did not get any apparent injury. Bhukhan Paswan is alleged to have caught Kirit Paswan @ Trith Paswan and Jiut Paswan assaulted Kirit Paswan with farsa on his head. Consequently, Kirit Paswan died. There is no allegation of assault on Kirit Paswan against these petitioners and petitioners are mere members of the mob. Petitioners are in jail since 16.11.2019.

It appears that petitioners are of course named in the F.I.R. but there is no allegation of assault either on the deceased or any other person against petitioner Nos.1 and 2. Petitioner



No.3 is alleged to have assaulted Bijendra Ram, brother-in-law of the informant and pressed his chest but it is submitted that Bijendra Ram did not receive any injury. Petitioners are not assailants of deceased, Kirit Paswan.

Considering the aforesaid facts, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Ara Mufassil P.S. Case No.258 of 2019.

(Prabhat Kumar Jha, J)

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