

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20459 of 2020

Arising Out of PS. Case No.-115 Year-2019 Thana- PARAIYA District- Gaya

1. Shiv Paswan @ Shiv Kumar Paswan S/o Late Krishan Paswan R/o village- Guli, P.S.- Paraiya, District- Gaya
2. Hiralal Paswan S/o Late Sitaram Paswan R/o village- Guli, P.S.- Paraiya, District- Gaya
3. Sunil Paswan @ Sunil Kumar S/o Ramanand Paswan R/o village- Guli, P.S.- Paraiya, District- Gaya
4. Sonu Paswan @ Sonu Kumar @ Sonu Kumar Paswan S/o Jaynand Paswan R/o village- Guli, P.S.- Paraiya, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kunwar Narayan Jamuar
For the Opposite Party/s : Mr.Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 09-09-2020 The matter has been taken up through virtual Court proceeding.

Since the court proceeding is non-functional in physical mode due to the present pandemic COVID-19, the matter is listed with defects.

Learned counsel for the petitioners undertakes to remove the defects within three weeks of the resumption of the physical Court proceedings.

In case of non-removal of the defects, the



office shall place the matter before the bench.

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

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 448, 341, 323, 506, 307, 325, 379, 354 of the Indian Penal Code, 1860.

The prosecution case as per the fardbeyan of Ramashish Yadav recorded by S.I. Subodh Kumar Singh at A.N.M.C.H, Gaya on 21.07.2019 at 1:30 P.M in the surgical ward is to the effect that on 17.07.2019 at 7:00 A.M when the informant was sitting with his family members, when co-accused Shiv Paswan (petitioner No. 1), Hiralal Paswan (petitioner No. 2), Raj Kumar Paswan, Jaynand Paswan, Sunil Paswan (petitioner No. 3) and co-accused Ramanand Paswan came armed with *Dabia, Khanti, Garasa, Lathi* and started abusing the informant. It is further alleged that thereafter on the order of Hiralal Paswan, Sunil Paswan assaulted with



Garasa on the head of the informant causing bleeding injury. In the meantime, petitioner No. 2 also assaulted with axe on the head of the informant causing another injury. It is alleged that petitioner No. 3 namely Sunil Paswan, co-accused Satyendra Paswan, Ajit Paswan, Jawahar Paswan, Sonu Paswan (petitioner No. 4) and Rakesh Paswan came armed with *lathi* and *danda* and co-accused Satyendra Paswan assaulted the informant with *lathi* and pointed pistol upon him. It is alleged against petitioner No. 4 namely Sonu Paswan that he along with Shiv Paswan, Raj Kumar Paswan, Jaynand Paswan, Rakesh Paswan, Jawahir Paswan and Sunil Paswan assaulted the informant with *lathi*, *danda* and *khanti* as a result, the left hand of the informant got fractured and he also sustained injury on his right hand. When the son of the informant Ravindra Kumar came to rescue, he was also assaulted.

It is submitted by learned counsel for the petitioners that so far as assault to the informant is



concerned, it has been caused by Hiralal Paswan (petitioner No. 2) and Sunil Paswan son of Hiralal Paswan. Petitioner No. 3 Sunil Paswan is the son of Ramanand Paswan. The accusation of assault against other accused persons is omnibus and general.

A statement has been made in para 3 of the petition that petitioners are not having any criminal antecedent.

Learned counsel for the State submits that there is specific accusation of assault to the informant against Hiralal Paswan (petitioner No. 2) and Sunil Paswan (petitioner No. 3) and the informant received grievous injuries.

Considering the fact that accusation against petitioner No. 2 namely Hiralal Paswan is being corroborated with the injuries of the informant in the case diary, this Court is not inclined to grant bail to petitioner No. 2 namely Hiralal Paswan. His prayer for bail stands rejected.



So far as petitioner Nos. 1, 3 and 4, above named are concerned, since accusation against them are omnibus and general and other similarly situated accused persons with similar accusation have been granted bail, let the petitioner Nos. 1, 3, 4, above named, in the event of their arrest or surrender before the Court below within a period of six weeks, be released on provisional anticipatory bail for a period of three months on furnishing one surety to the satisfaction of learned Additional Chief Judicial Magistrate-II, Gaya in connection with Paraiya P.S. Case No. 115 of 2019, subject to the conditions as laid down under Section 438(2) Cr.P.C.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned



Court concerned through e-Mode.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs. 10,000/-(ten thousands) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Gaya in connection with Paraiya P.S. Case No. 115 of 2019 including one surety given at the time of provisional bail.

The learned Court below will be at liberty to further extend the period of provisional bail if the Court proceeding in physical mode will not resume in next three months.

Accordingly the present application stands disposed of.

(Dinesh Kumar Singh, J)

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