

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74112 of 2019

Arising Out of PS. Case No.-56 Year-2019 Thana- SARE District- Nalanda

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1. Munna Paswan, aged 29 years (Male) Son of Maksudan Paswan Resident of Village- Jhamtapar, P.S.- Are, District- Nalanda.
 2. Dhananjay Paswan, aged 26 years (Male), Son of Maksudan Paswan Resident of Village- Jhamtapar, P.S.- Are, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar

For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

7 09-12-2020 Heard learned counsel for the petitioners and learned counsel for the State.

This application has already been dismissed as withdrawn as against the petitioner no.2 vide order dated 4.2.2020 and, hence, this order is confined to petitioner no.1 only.

In this case, the petitioner no.1 is apprehending his arrest in connection with Sare P.S. Case No. 56 of 2019 registered for offences under sections 147, 148, 427, 379, 325, 307, 448 of the Indian Penal Code.

As per allegation made in the F.I.R., on 30.6.2019 at 5.30 PM while the Informant was in her house, the accused



persons including the petitioners entered into the house of the Informant and started destroying the household articles and also assaulted the Informant. There is a specific allegation against both the petitioners to have assaulted the Informant by means of Lathi and iron rods causing fracture in her hand. Another F.I.R. has also been filed by the petitioners with respect to the incident taking place on 28.6.2019.

Learned counsel for the petitioners submits that the F.I.R. is a counter blast of the incident taken place on 28.6.2019 in which they have assaulted the petitioners and other family members. He further submits that the injury report shows that there is simple injury and the same is not vital in nature.

The Court has perused the injury report and finds that the injury no.1 is vital one, danger to the life, and injury nos. 2 & 3 are simple in nature.

Learned counsel for the State submits that there is a specific allegation against the petitioner no.2, Dhananjay Paswan who has already been arrested by the police.

The submission made by the learned counsel for the petitioners that the injury caused by the petitioners is simple in nature is incorrect as from the F.I.R., it appears that there is a specific allegation against the petitioners to have assaulted the



Informant.

Looking to the entire facts and circumstances of the case, this Court is not inclined to grant privilege of anticipatory bail to the petitioner no.1.

Accordingly, the prayer for bail of the petitioner no.1, above named, is rejected.

If the petitioner no.1 surrenders before the court below within a period of three weeks from today and makes a prayer for bail, the court below, without being prejudiced by this order, will pass orders in accordance with law.

(Shivaji Pandey, J)

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