

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79257 of 2019

Arising Out of PS. Case No.-154 Year-2019 Thana- KARAHGAR District- Rohtas

1. Dhanji Paswan, aged about 40 years, Male, son of Late Lal Mohar Paswan,
2. Umesh Pandey, aged about 38 years, Male, son of Late Mohan Pandey,
3. Guddu Paswan, aged about 28 years, Male,
4. Sanjay Paswan, aged about 40 years, Male,
Both are sons of Late Lal Mohar Paswan,
5. Amit Paswan, aged about 26 years, Male, son of Sanjay Paswan,
All are resident of village - Sonbarsha @ Sonvarsha, P.S.- Kargahar, District
- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad, Advocate
For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 05-10-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Babu Nandan Prasad, learned counsel for the petitioners and Mr. Lalan Kumar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. At the outset, learned counsel for the petitioners submitted that petitioners no. 3 and 4, namely, Guddu Paswan



and Sanjay Paswan, have been arrested during the pendency of the application and, thus, he be permitted to withdraw the application on their behalf.

4. In view thereof, the application on behalf of petitioners no. 3 and 4 stands dismissed as withdrawn and is restricted to petitioners no. 1, 2 and 5.

5. The petitioners no.1, 2 and 5 apprehend arrest in connection with Kargahar PS Case No.154 of 2019 dated 05.06.2019, instituted under Sections 341, 323, 308, 338, 379, 504, 506/34 of the Indian Penal Code.

6. The allegation against the petitioners is of assault on the informant, her husband and son leading to injuries on them.

7. Learned counsel for the petitioners no. 1, 2 and 5 submitted that there is general and omnibus allegation of abuse and assault on the informant against all the accused and specifically against petitioner no. 1 of hitting on the head of son of the informant by *lathi* and against petitioner no. 2, it is alleged that he had inflicted blow of *lathi* on the hand of the husband of the informant and snatched rupees ten thousand from his pocket. Learned counsel submitted that the injury report discloses that the injury was simple and there was only



lacerated wound found on the forehead, skin deep caused due to hard and blunt substance on the son of the informant and on the informant and her husband, no injury has been found. It was submitted that petitioners no. 1, 2 and 5 have no criminal antecedent.

8. Learned APP, from the case diary, submitted that all the accused had assaulted the informant, her husband and son. However, there being only one injury of lacerated wound on the forehead of son of the informant, which has been found to be simple in nature, and no injury on the informant and her husband, was not controverted by the learned APP from the injury reports available in the case diary.

9. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners no.1, 2 and 5, namely, Dhanji Paswan, Umesh Pandey and Amit Paswan, be released on bail upon furnishing bail bonds of Rs.25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the ACJM-3, Sasaram, Rohtas, in Kargahar PS Case No.154 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and



further (i) that one of the bailors shall be a close relative of the petitioners and (ii) that the petitioners and the bailors shall give undertaking and execute bond with regard to good behaviour of the petitioners. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds.

10. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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