

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9478 of 2020

Arising Out of PS. Case No.-250 Year-2019 Thana- SALIMPUR District- Patna

AWADHESH PASWAN S/o Late Sudeshwar Paswan, Resident of Village-
Mulrajpur, P.S.- Salimpur, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 11086 of 2020

Arising Out of PS. Case No.-250 Year-2019 Thana- SALIMPUR District- Patna

1. SANTOSH PASWAN, Son of Late Sudeshwar Paswan
2. Shashi Bhushan Paswan,
3. Dharmendra Paswan,
both are Sons of Ram Pravesh Paswan,
All Residents of Village - Mulrajpur, P.s.- Salimpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 11232 of 2020

Arising Out of PS. Case No.-250 Year-2019 Thana- SALIMPUR District- Patna

1. DINESH PASWAN Son of Late Sudeshwar Paswan
2. Ram Pravesh Paswan, Son of late Sukhnandan Paswan
3. Satish Paswan
4. Soni Paswan,
both Sons of Ram Pravesh Paswan
All Residents of Village - Mulrajpur, P.S.- Salimpur, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 9478 of 2020)



For the Petitioner/s : Mr.Usha Kumari Singh
For the Opposite Party/s : Mr.Humayou Ahmad Khan
(In CRIMINAL MISCELLANEOUS No. 11086 of 2020)
For the Petitioner/s : Mr.Usha Kumari Singh
For the Opposite Party/s : Mr.Nirmala Kumari
(In CRIMINAL MISCELLANEOUS No. 11232 of 2020)
For the Petitioner/s : Mr.Usha Kumari Singh
For the Opposite Party/s : Mr.Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

8 04-01-2021 Heard Mr. Y.C. Verma learned senior counsel for the petitioners assisted by Mr. Vijay Bhusan, Mr. Manoj Kumar Pandey learned counsel for the informant and learned APP for the State.

Learned counsel for the petitioners submits that the petitioner no. 3 namely Satish Paswan has been arrested, therefore, this application has become infructuous against petitioner no. 3.

Accordingly, this application is dismissed as infructuous against petitioner no. 3.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 307, 379, 504 and 506 of the Indian Penal Code.

Prosecution case in brief is that the informant namely Arvind Paswan, in which he has stated that on 01.12.2019, he was going to work. In the meantime, Ram Pravesh Paswan arrived there and told that he cannot allow to go with the street.



When, it was protested, then Ram Pravesh Paswan ordered to assault me and accused persons arrived there armed with lathi, rod and other weapons and started assaulting me. Awadesh Paswan assaulted on his head by butt of pistol, Satish Paswan also assaulted to Bangali Paswan by butt of pistol on his head, Dinesh Paswan assaulted to Chaitu Paswan on the head. Soni Paswan and Dharmendra Paswan assaulted to Phaguni Paswan by Farsa on his head, Santosh Paswan was also blown Lathi and he has taken away Rs. 5,000/- from his pocket.

Learned counsel for the petitioners submits that the petitioners are innocent and they have falsely been implicated in this case. There is case and counter case between the parties and there is family dispute with regard to lane between the parties. There was assault by fist and slap from the both sides. There is general and omnibus allegation against the petitioners. There is prosecution version of the FIR is false and fabricated because it is said that the several persons had come with pistol but there is not even whisper of firing or of alleged to be firing. He further submits that the accused namely Awadesh Paswan is presently Pramukh of the Bakhatiyarpur Block and on the date and time of occurrence the said petitioner was at Barh where he lives. All the accused persons and the informant are of the same



family.

A show cause notice was issued to the Assistant Superintendent of Police, Barh, Patna in compliance of order dated 13.11.2020 filed show cause stating therein that:-

“It is submitted that, now the Superintendent of PMCH, Patna has sent a letter to the I.O. of this case and thus the I.O. of this case contacted with the injured persons and requested them to provide their discharge slip. On contact all the injured persons informed the I.O. of this case that they left the hospital without completing the treatment in PMCH and thus they do not have any discharge slip. All the injured persons of Salimpur P.S. Case No. 250/2019 have also given this in writing to the I.O. of Salimpur P.S. Case No. 250/2019 and accordingly by mentioning the entire above facts the I.O. of this has sent letter to the Superintendent, PMCH, Patna on 01.12.2020 for further action.”

Learned APP for the State opposes the prayer for bail petition.

In the aforesaid facts and circumstances of the case, let the petitioners except petitioner no. 3 namely Satish Paswan,



above named, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M.-1st Class, Barh, Patna in connection with Salimpur P. S. Case No. 250/2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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