

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35603 of 2020

Arising Out of PS. Case No.-69 Year-2020 Thana- PAKARIBARAW District- Nawada

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1. Mahesh Paswan, son of Late Dinesh Paswan, resident of village-Dhodha, P.S. Pakribarawan, District-Nawada.
 2. Sany Paswan @ Sani Kumar Paswan, son of Mahesh Paswan, resident of village-Dhodha, P.S. Pakribarawan, District-Nawada.
 3. Mani Paswan, son of Mahesh Paswan, resident of village-Dhodha, P.S. Pakribarawan, District-Nawada.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sunil Kumar
For the Opposite Party/s : A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 28-04-2021 Heard learned counsel for the petitioners and the learned A.P.P. for the State through video conferencing.

The petitioners apprehend their arrest in connection with Pakribarawan P.S. Case no. 69 of 2020, registered under Sections 147, 149, 341 and 307 of the Indian Penal Code and Section 27 of the Arms Act.

The accusation is that eight persons named in the F.I.R., including the petitioners, were plying filthy songs at their door in the evening of 11.03.2020 and they also called two other boys for dance thereupon Amarjeet Paswan, Sany (petitioner No.2) and Mani (Petitioner No.3) came there. In course of dance, Mithilesh Yadav, Pramod Kumar and Sanoj Kumar, son of informant Sihanta Devi were being assaulted then Pramod Kumar and Sanoj Kumar, son of informant, started fleeing towards their house. In the meantime, Sanoj



Kumar was caught hold by Sany Paswan (Petitioner No.2) and, thereafter, Sany Paswan (Petitioner no.2) and Awadhesh Paswan started to cause assault. In the meantime, Abhishek Paswan came there and caused injury at the face of Sanoj Kumar through brick, then he became unconscious. When, on hearing hulla, neighbours rushed there then all went at the roof and started pelting bricks.

Learned counsel for the petitioners submits that while occurrence is of 11.03.2020, but the present case has been lodged on 16.03.2020 after four days of the occurrence. Further submission is that there is no specific overt act against petitioner No. 1 Mahesh Paswan and petitioner No.3 Mani Paswan, while it is detailed in the F.I.R. that Sany Paswan (Petitioner No.2) caught hold to the son of informant and thereafter, Sany Paswan (Petitioner No.2) and Awadhesh Paswan caused assault to the injured Sanoj Kumar and at that time, Abhishek Paswan also came there and caused injury by pelting bricks at the face of Sanoj Kumar. It would appear from the order dated 19.08.2020, while several injuries were found on the person of injured Sanoj Kumar and the injury found on his face is grievous in nature as detailed in the order dated 19.08.2020 passed in A.B.P. No. 562/2020 / 111/2020, whereby



the prayer for pre-arrest bail of the petitioner has been rejected by the learned Additional Sessions Judge-III, Nawada.

Having regard to the facts and circumstances of the case, let the petitioner No.1 and 3, namely, Mahesh Paswan and Mani Paswan, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Nawada in connection with Pakribarawan P.S. Case No. 69 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

So far as petitioner No.2, namely, Sany Paswan @ Sani Kumar Paswan is concerned, having considered the facts and circumstances of the case and the nature of allegation against the petitioner No.2, I am not inclined to grant pre-arrest bail to the petitioner No.2 **Sany Paswan @ Sani Kumar Paswan**. Accordingly, his prayer for grant of pre-arrest bail stands rejected.

(Rajendra Kumar Mishra, J)

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