

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34058 of 2020

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

1. AVDHESH PASWAN S/o Late Jitan Paswan Resident of Village-Dhodha, Police Station-Pakribarawan (Dhamaul O.P.), District-Nawada.
2. ABHISHEK KUMAR @ ABHISHEK PASWAN S/o Avdhesh Paswan Resident of Village-Dhodha, Police Station-Pakribarawan (Dhamaul O.P.), District-Nawada.
3. AMARJEET KUMAR @ AMARJEET PASWAN S/o Avdhesh Paswan Resident of Village-Dhodha, Police Station-Pakribarawan (Dhamaul O.P.), District-Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 12-04-2021 Heard both sides.

The petitioners apprehend their arrest in Pakribarawan PS case No. 69/2020 registered under Section 147, 149, 341, 307 of the IPC and u/s 27 of Arms Act.

The informant alleged that Avdhesh Paswan, petitioner No.1, Abhishek Paswan, petitioner No.2, Amarjeet Paswan, petitioner No.3, Mani Paswan, Sani Paswan, Karan Paswan, Mahesh Paswan, Pravin Paswan and Vicky Paswan were singing song by the side of their house. Sani Paswan and Mani Paswan went to call Sanoj Kumar, Pramod Kumar and Mithilesh Kumar to participate in the dance. During the course of dance the accused persons including the petitioners indiscriminately assaulted Sanoj Kumar. Avdhesh Paswan and Abhishek Paswan, petitioner No.1 and 2 assaulted Sanoj Kumar



who became unconscious.

The learned counsel for the petitioners submits that petitioners are innocent and they have committed no offence. The occurrence took place on 11.03.2020 but the FIR was lodged on 15.03.2020 and no explanation is given. The petitioner No.1 is a Government Teacher. Petitioner No.2 is working in a private financial company and petitioner No.3 is a student. It is further submitted that on the eve of Holi there was singing and dancing. Sanoj Kumar, Mithilesh Yadav and Promod Kumar joined the dance and took liquor. Sanoj Kumar fell down in the drainage and got injuries but from perusal of the case diary, it appears that the informant and other witnesses have categorically stated that all the three petitioners brutally assaulted Sanoj Kumar, son of the informant. The son of informant got stitch wound on his head and mouth. The injury on head is grievous in nature. The informant, mother of the victim, explained that when she saw her son unconscious she became nervous and firstly she got treated her son instead of lodging the case.

Taking into consideration the facts aforesaid and the nature of allegation made against the petitioners, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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