

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.36739 of 2020**

Arising Out of PS. Case No.-104 Year-2020 Thana- OBRA District- Aurangabad

1. SITARAM PASWAN S/o Late Makardhani Paswan Residence of Village-Manora, P.S-Obra, District-Aurangabad.
2. Arjun Paswan S/o Sitaram Paswan Residence of Village-Manora, P.S-Obra, District-Aurangabad.
3. Nakul Paswan S/o Sitaram Paswan Residence of Village-Manora, P.S-Obra, District-Aurangabad.
4. Chhathan Paswan S/o Late Pahal Ram Residence of Village-Manora, P.S-Obra, District-Aurangabad.
5. Ashok Paswan S/o Chhathan Paswan Residence of Village-Manora, P.S-Obra, District-Aurangabad.
6. Yogendra Paswan S/o Late Suraj Paswan Residence of Village-Manora, P.S-Obra, District-Aurangabad.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Mukul Kumari, Advocate

For the Opposite Party/s : Smt. Dr. Indihar Kumari, A.P.P

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA**

ORAL ORDER

2      29-06-2021                      As prayed for, let the learned counsel appearing for the petitioner remove the defect(s), as pointed out by the office vide its notes dated 18.12.2020, within four weeks of starting of Court proceeding in physical mode in normal course.

Learned counsel appearing on behalf of the petitioners seeks permission to withdraw the application filed on behalf of the petitioner Nos. 1 and 5, namely, Sitaram Paswan and Ashok Paswan as they have already been apprehended by the Police.



In view of the above, the application filed on behalf of the petitioners No. 1 and 5, namely, **Sitaram Paswan and Ashok Paswan** is dismissed as withdrawn.

Heard learned counsel for the petitioner Nos. 2, 3, 4 and 6, namely, Arjun Paswan, Nakul Paswan, Chhathan Paswan and Yogendra Paswan and the learned A.P.P. for the State through video conferencing.

The petitioner Nos. 2, 3, 4 and 6, namely, Arjun Paswan, Nakul Paswan, Chhathan Paswan and Yogendra Paswan apprehend their arrest in connection with Obra P.S. Case no. 104 of 2020, registered under Sections 147, 149, 341, 323, 324, 307 and 504 of the Indian Penal Code.

The accusation is that on 18.05.2020 at about 08.00 P.M., informant Bibhuti Narayan Singh was returning to his village from his relation, when he reached near the house of Bhola Paswan and Chhadan Paswan then six persons named in the F.I.R. including petitioner Nos. 2, 3, 4 and 6, namely, Arjun Paswan, Nakul Paswan, Chhathan Paswan and Yogendra Paswan and some unknown surrounded him having Lathi, Khanti, Iron rod in their hands. At that time, Sitaram Paswan told his son Arjun Paswan that due to complaint made by him his hand-pump is not being fitted and ordered to kill.



Thereafter, Arjun Paswan (Petitioner No.2) gave Khanti blow at his head and other also caused injury to him through Lathi. On raising alarm, the villagers rushed there and brought him to the hospital for treatment.

Learned counsel for the petitioner Nos. 2, 3, 4 and 6 submits that there is specific allegation against Arjun Paswan (Petitioner No.2) that he gave Khanti blow at the head of informant and the injury has also found on the occipital region caused by sharp cutting weapon as detailed detailed in order dated 09.09.2020 passed in A.B.P. No. 361 of 2020 by Addl. Sessions Judge-V, Aurangabad, but opinion regarding nature of injury is kept reserved till receiving the X-ray plate. Further submission is that the occurrence of Marpit took place due to land dispute in which petitioners' side also sustained injury regarding which Obra P.S. Case No. 105 of 2020 is also instituted under Sections 341, 323, 504 and 436/34 of the I.P.C and Section 3(1)(r), 3(1)(s), 3(2)(iv) of the SC/ST Act on the basis of fardbeyan of wife of Sitaram Paswan.

Having regard to the facts and circumstances of the case, let the above named petitioner Nos. 3, 4 and 6, namely, Nakul Paswan, Chhathan Paswan and Yogendra 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 S.D.J.M. Daudnagar, Aurangabad in connection with Obra P.S. Case No. 104 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, Arjun Paswan is concerned, having considered the facts and circumstances of the case and the nature of allegation against petitioner No.2 Arjun Paswan, I am not inclined to grant pre-arrest bail to the petitioner No.2. Accordingly, his prayer for grant of pre-arrest bail stands **rejected**. The petitioner is directed to surrender before the trial Court within four weeks and pray for regular bail, which shall be considered by the trial Court in accordance with law without being prejudiced by the order of this Court.

**(Rajendra Kumar Mishra, J)**

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