

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 37768 of 2020

Arising Out of PS. Case No.-674 Year-2019 Thana- KHAGARIA District- Khagaria

Govind Paswan, aged about 22 years, Male, son of Mahendra Paswan,
Resident of Village- Sanhauli, PS Chitraguptanagar, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bishweshwar Ram, Advocate
For the State	:	Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 27-08-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Bishweshwar Ram, learned counsel for the petitioner and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner apprehends arrest in connection with Khagaria (Chitraguptnagar) PS Case No. 674 of 2019 dated 31.08.2019, instituted under Sections 341, 323, 325, 315, 379, 354 and 504/34 of the Indian Penal Code.

4. The allegation against the petitioner and nine others is of assault on the son of the informant and also herself and her husband and snatching of gold chain worth Rs. 35,000/- from the neck of the informant and also of causing injury by brickbats and



entering the house of the informant and assaulting her pregnant daughter causing miscarriage.

5. Learned counsel for the petitioner submitted that the allegations are general and omnibus in nature. It was submitted that even the injuries which are alleged to have been inflicted on the husband of the informant and other victims are on non-vital parts and simple in nature and further that the informant and her daughter who was pregnant were assaulted and the daughter suffering miscarriage is also not supported by any witness nor the injury report supports such allegation. Learned counsel submitted that seven similarly situated co-accused, namely, Gulshan Kumar; Raj Babbar; Dev Nandan Paswan; Govind Paswan; Sanjeev Paswan; Yashwant Kumar and Pintu Paswan have been granted anticipatory bail by a co-ordinate Bench by order dated 27.08.2020 passed in Cr. Misc. No. 5861 of 2020. It was submitted that the petitioner has no criminal antecedent. Learned counsel drew the attention of the Court to order dated 27.08.2020 passed in Cr. Misc. No. 5861 of 2020 and contended that the Court upon being assisted from the case diary has noted that the allegations are not supported by the injury reports and that the informant and her daughter had not suffered any injury and also that the husband and *Nandoshi* had got injury on non-vital parts



which are simple in nature and that the parties were agnates and they have been named because of land dispute.

6. Learned APP submitted that there is allegation of assault. However, it was not controverted that the petitioner is similarly situated to the seven other co-accused who have been granted anticipatory bail.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in view of the injury reports disclosing that the same are simple in nature and not caused on any vital part as also that the allegation of assault on the informant, her daughter and *Nandoshi* and miscarriage of the daughter not finding support and there being land dispute as also the fact that there is no criminal antecedent of the petitioner and seven similarly situated co-accused have been granted anticipatory bail, the Court is inclined to allow the prayer for pre-arrest bail.

8. Accordingly, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria in Khagaria (Chitraguptnagar) PS Case No. 674 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 petitioner, (ii) that the petitioner and the bailors shall execute bond and give undertaking with regard to good behaviour of the petitioner and (iii) that the petitioner shall co-operate with the Court and police/prosecution. Any violation of the terms and conditions of the bonds or the undertaking or failure to co-operate shall lead to cancellation of his bail bonds.

9. It shall also be open for the prosecution to bring any violation of the foregoing conditions by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

10. The petition stands disposed of in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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