

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39223 of 2020

Arising Out of PS. Case No.-81 Year-2020 Thana- JURAWANPUR District- Vaishali

1. Shiv Paswan Son Of Sitab Paswan Resident Of Birpur, Naya Tola,P.S.-
Jurawanpur, District- Vaishali
2. Vakil Paswan Son Of Baijnath Paswan Resident Of Birpur, Naya Tola,P.S.-
Jurawanpur, District- Vaishali
3. Sunil Paswan Son Of Kailu Paswan Resident Of Birpur, Naya Tola,P.S.-
Jurawanpur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate
For the Opposite Party/s : Mr.Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-09-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

Counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

The petitioners are apprehending their arrest in connection with Jurawanpur P.S. case No.81 of 2020 registered under Sections 147, 148, 149, 341, 323, 324, 307, 504 of the Indian Penal Code.

Allegation is that co-accused Baijnath Paswan assaulted the Bhabhi of the informant, namely, Chameli Devi



with spade and petitioner No.1 also assaulted by the butt of the gun on her chest, due to which she sustained injuries. Petitioner No.2 assaulted Rekha Devi by means of lathi and petitioner No.3 assaulted Ajeet Paswan by means of lathi, due to which they sustained injuries.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. So far petitioner No.1 is concerned, he is alleged to have assaulted with butt of the gun on the chest of Chameli Devi. From perusal of the injury report of Chameli Devi, it appears that there is no injury on the chest of the said victim, though there are other injuries, which is on her skull. Said injury is alleged to have been caused by the other co-accused as narrated in the F.I.R. itself. So far the petitioner No.1 is concerned, the injury report does not support the allegations in respect of petitioner No.1. Allegation against the petitioner No.2 is that he assaulted Rekha Devi. From perusal of the order of the Sessions Court, it appears that there is no reference in respect of injury report of Rekha Devi. It has been submitted on behalf of the petitioners that on record there is no such injury



report to support the allegations in respect of victim Rekha Devi. As far as petitioner No.3 is concerned, the nature of injury is said to be simple. Hence no offence under Section 307 of I.P.C. is made out against him. At best, an offence under Section 324 of I.P.C. is made out against petitioner No.3. There is admitted land dispute between the parties. The case has been instituted after two days of the alleged occurrence. Delay has not been explained by the prosecution.

On behalf of the State, it is submitted that the petitioners are named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned A.C.J.M. 9th, Vaishali at Hajipur in connection with Jurawanpur P.S. case No.81 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners will furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection



with the aforesaid case.

(Sudhir Singh, J)

Narendra/-

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