

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2819 of 2021

Arising Out of PS. Case No.-46 Year-2020 Thana- NATWAR District- Rohtas

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1. JAI SHANKAR PASWAN SON OF SHIVBACHAN PASAN Resident of Village - Nadauwan, P.S.- Natwar, Distt.- Rohtas.
 2. JAI PRAKASH PASWAN Son of Shivbachan Paswan Resident of Village - Nadauwan, P.S.- Natwar, Distt.- Rohtas.
 3. VISHAL PASWAN Son of Sri Bhagwan Paswan Resident of Village - Nadauwan, P.S.- Natwar, Distt.- Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta, Advocate
For the Opposite Party/s : Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 22-07-2021 Heard Mr. Dhaneshwar Prasad Gupta, learned Advocate for the petitioners and Ms. Rina Sinha, learned APP for the State.

The prayer for anticipatory bail of petitioner no. 1 has earlier been withdrawn as he was arrested during the pendency of this petition.

The petitioners no. 2 and 3 seek bail in anticipation of their arrest in connection with Natwar P.S. Case No. 46 of 2020 dated 24.05.2020 instituted for the offences under Sections 147, 148, 149, 341, 323, 307, 379, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

The accusation in the FIR is that on the



petitioner no. 2 trying to fell a tree standing in the land of the informant, he was objected from doing so. This led to protest and an eventual fight in which 20 persons took part from the side of the accused persons. The petitioner no. 2 along with others is said to have assaulted the members of the prosecution party. There is a counter version of the occurrence also lodged by the father of petitioner no. 2 against the family members of the informant.

The learned counsel for the petitioners is not in a position to say whether any person from the side of the petitioners were injured in the counter case. There is yet another case between the parties.

So far as the petitioner no. 3 is concerned, there is no specific accusation against him.

Learned counsel for the petitioners no. 2 and 3 has further submitted that several persons are said to have assaulted the victim but the injuries suffered by him are all simple in nature. He, therefore, draws inference that the cause of the dispute between the two sides where each side has filed a criminal case against the other, there could be a possibility of the informant or some other victim having received injuries.

However, regard being had to the fact that the injuries suffered by the victims of this case are all simple



in nature, it can safely be suggested that it was a free fight between the parties with no intention to cause any grievous injury to any of them.

Regard being had to the aforestated background facts, the petitioners no. 2 and 3 are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Bikramganj, Rohtas in connection with Natwar P.S. Case No. 46 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

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