

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8559 of 2021

Arising Out of PS. Case No.-205 Year-2020 Thana- BIKRAMGANJ District- Rohtas

1. AJIT PASWAN SON OF RAJ KUMAR PASWAN @ KUMAR PASWAN RESIDENT OF VILLAGE- BARUNA, POLICE STATION- BIKRAMGANJ, DISTRICT- ROHTAS.
2. RAVINDRA PASWAN @ RABINDRA @ SADHU PASWAN SON OF RAJ KUMAR PASWAN @ KUMAR PASWAN RESIDENT OF VILLAGE- BARUNA, POLICE STATION- BIKRAMGANJ, DISTRICT- ROHTAS.
3. PURNAWASI PASWAN SON OF RAJ KUMAR PASWAN @ KUMAR PASWAN RESIDENT OF VILLAGE- BARUNA, POLICE STATION- BIKRAMGANJ, DISTRICT- ROHTAS.
4. NETAI PASWAN @ NATAI @ BHAIYARAM PASWAN SON OF SHIV PASWAN RESIDENT OF VILLAGE- BARUNA, POLICE STATION- BIKRAMGANJ, DISTRICT- ROHTAS.
5. CHHOTAN PASWAN @ GIRIK PASWAN @ CHHOTAN @ GIRIK PASWAN SON OF LATE DIPTY PASWAN RESIDENT OF VILLAGE- BARUNA, POLICE STATION- BIKRAMGANJ, DISTRICT- ROHTAS.
6. MARKAT PASWAN SON OF LATE MUNNI PASWAN RESIDENT OF VILLAGE- BARUNA, POLICE STATION- BIKRAMGANJ, DISTRICT- ROHTAS.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Choubey
For the Opposite Party/s : Mr. C. Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-04-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

Learned counsel for the petitioners is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks.



Vide order dated 22.02.2021, the present application has been dismissed as withdrawn in respect of petitioner nos. 1, 2, 5 and 6 as they had been taken into judicial custody.

The petitioner nos. 3 and 4 are apprehending their arrest in a case registered under Sections 147, 148, 323, 341, 504, 325, 379, 435 of the Indian Penal Code in which section 302 IPC was added later on.

The prosecution allegation, in short, is that the accused persons assaulted the husband of the informant due to which he sustained injury and later succumbed to the injury.

It has been submitted on behalf of the petitioners that the petitioner nos. 3 and 4 have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner nos. 3 and 4. The petitioner nos. 3 and 4 have falsely been implicated in the present case. Specific allegation of assault is against Bhola Paswan who is alleged to have given a lathi blow on the head of the deceased. The post-mortem report also corroborates with the allegations made in the F.I.R. in respect of the co-accused, namely, Bhola Paswan. As per the post-mortem report, the death is said to have caused due to injury on the head. As far as petitioner nos. 3 and 4 are concerned, General and omnibus allegation has been made



against them. No specific injury is attributed against petitioner nos. 3 and 4. There is a case and counter case between the parties. A free fight is alleged to have taken place. The injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the State, it is submitted that the petitioner nos. 3 and 4 are named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances, let the petitioner nos. 3 and 4, above named, in the event of arrest/surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. Bikramganj, Rohtas at Sasaram in connection with Bikramganj P.S. Case No. 205/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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