

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2779 of 2022

Arising Out of PS. Case No.-113 Year-2021 Thana- ROHTAS District- Rohtas

1. Lakhandar Paswan Son Of Akhilesh Paswan R/O Village- Supasrai, P.S.- Amjhor, District- Rohtas
2. Mithlesh Paswan Son Of Sajendra Paswan R/O Village- Supasrai, P.S.- Amjhor, District- Rohtas
3. Akhilesh Paswan Son Of Late Chhathu Paswan R/O Village- Supasrai, P.S.- Amjhor, District- Rohtas

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar
For the Opposite Party/s : Mr. Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-08-2022 The learned counsel for the petitioners, at the outset, seeks permission to withdraw the present application with respect to petitioner nos.1 and 3 as they have been arrested during the pendency of the anticipatory bail application.

Permission is accorded.

Accordingly, instant petition against petitioner nos.1 and 3 is dismissed as withdrawn as having become infructuous.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner no.2 seeks bail in anticipation of his arrest in a case registered for the offences punishable under



Sections 147, 148, 323, 307, 354, 504, 506 and 149 of the Indian Penal Code.

The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that the accused persons including the petitioner came in a marriage ceremony and started misbehaving with the woman, which was protested on account of which, the present occurrence took place in which several person got injured and Mantu Ram was injured grievously.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. There is a case and counter-case. It is next submitted that from the side of the petitioner Rohtas (Amjhor) P. S. Case No.112 of 2021 has been instituted. It is next submitted that the injury suffered from the side of the informant are simple in nature. It is also submitted that the allegation of assault is general and omnibus in nature.

The learned Additional Public Prosecutor opposes the anticipatory bail application and submits that in the present F.I.R., the informant has assigned motive for the occurrence, but from perusal of the F.I.R. instituted by the side of the petitioner, no motive has been assigned as to why the occurrence took



place. It is next submitted that since motive has been assigned from the side of the informant, as such, the allegation alleged by the informant appears to be more probable. It is next submitted that no doubt, some of the injuries have been found simple, but then the learned Sessions Judge in his order has also recorded that Paras-33 and 34 of the case diary records that injuries of some of the accused have been kept reserved. It is thus submitted that the injuries were not simple. The learned A.P.P. next submits that no doubt, the allegation of assault is general and omnibus in nature, but then from the side of the informant several people got injured and as such, it was not possible for the informant to allege specifically that as to who assaulted whom.

Considering the submissions made by the learned A.P.P. for the State, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner no.2.

Accordingly, his prayer for anticipatory bail stands rejected.

(Satyavrat Verma, J)

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