

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8640 of 2022

Arising Out of PS. Case No.-210 Year-2020 Thana- NAYA RAM NAGAR District- Munger

1. Sachida Nand Paswan, Son Of Late Hari Paswan Resident Of Village- Bajrangbali Nagar, P.S.- Naya Ram Nagar, District- Munger.
2. Rakesh Kumar, Son Of Sachida Nand Paswan Resident Of Village- Bajrangbali Nagar, P.S.- Naya Ram Nagar, District- Munger.
3. Rahul Kumar @ Satyam Kumar @ Lalu Kumar, Son Of Bholu Paswan Resident Of Village- Bajrangbali Nagar, P.S.- Naya Ram Nagar, District- Munger.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Sushmita Mishra- Advocate
		Mr. Surya Narayan Sah- Advocate
For the Opposite Party/s :		Mr. Ram Priya Sharan Singh- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-06-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 448, 341, 323, 307, 379, 354, 504 and 506 of the Indian Penal Code.

The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that ten named accused persons along with unknown entered the house of the informant variously armed and on orders of petitioner no.1 to kill the family members of the informant as they object encroachment and the elder brother-in-law of the informant writes against them in his newspaper, on



which all the accused persons assaulted the Nitish Kumar, the maternal nephew of the informant and even assaulted him with butt of the gun leading to serious injury to Nitish Kumar. It is next alleged that Rakesh Kumar caught hand of the informant and even tore her sari and abused her and when her elder brother-in-law intervened to save her, the accused persons also assaulted him causing injury and when the villagers intervened the accused persons fled and while fleeing, they took away Rs.15,000/- along with a gold chain which the informant was wearing as detailed in the F.I.R.

It is next alleged that the injured were taken to sadar hospital where the doctor referred the injured to Jawaharlal Nehru Hospital, Mayaganj, Bhagalpur. Accordingly, the injured were taken there where they are being treated and condition of Nitish Kumar is serious as he received serious injury on his head on account of assault by butt of the gun and iron rod and as such, he is not in a position to get his statement recorded.

The learned counsel for the petitioners submits that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the informant has tried to falsely implicate the petitioners. It is next submitted that it absolutely does not stand to reason that when such assault was taking place as it is



alleged that in the F.I.R., then the informant would give vivid description of the weapons being carried by each of the accused persons. It is next submitted that though in the F.I.R., it is alleged that the injured were taken to the sadar hospital, Munger, from where they were referred to Jawaharlal Nehru Hospital, Mayaganj, Bhagalpur, but the injury report would show that the same has been issued by the Medical Officer, Sadar Hospital, Munger based on the C.T. Scan report. The learned counsel submits that the C.T. scan report is annexed as Annexure-3 series at Page-23 of the bail application and from perusal of the C.T. Scan report, it would manifest that the same is of Kalpana C. T. Scan Centre, Sadar Hospital, Bhagalpur (Bihar), a Unit of Kalpana Nursing Home Private Limited.

The learned counsel thus submits that it absolutely does not stand to reason that when the injured were treated at Jawaharlal Nehru Hospital, Mayaganj, Bhagalpur, then how come there is no injury report of the said hospital and the injury report which has come in the case diary that has been issued by the doctor, sadar hospital, Munger based on the aforesaid C.T. Scan. It is next submitted that in the F.I.R. also it is specifically alleged that sadar hospital, Munger directly referred the injured to Jawaharlal Nehru Hospital, Mayaganj, Bhagalpur and there is



no whisper of the fact that the injured were sent to a private nursing home for C.T. Scan. It is thus submitted that it appears that the injury report has been manipulated.

It is also submitted that present case is a counter-blast of Naya Ram Nagar P. S. Case No.211 of 2020 instituted by Meena Devi, wife of petitioner no.1, in which also several persons were injured and the case was registered under Section 307 of the I.P.C. It is next submitted that from perusal of the injury report from the side of the present petitioner, it would manifest that the injury report was prepared by the Medical Officer, sadar hospital, Munger based on the X-ray report done by Jawaharlal Nehru Hospital, Mayaganj, Bhagalpur. It is thus submitted that the injuries of the injured from the side of the petitioners were examined at government hospital whereas the C.T. Scan of Nitish Kumar is from a private concerned, which creates doubt with regard to its veracity.

The learned counsel for the petitioners next submits that even presuming what has been alleged is true in the F.I.R. without admitting, then the allegations are general and omnibus in nature with no specific allegation of assault against any of the petitioners. It is next submitted that it is very easy to implicate a person with an allegation that he is an order giver. It is next



submitted that had the order giver said to the accused persons to assault themselves whether they would have assaulted themselves or not.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned counsel for the petitioners and the fact that petitioners are persons with clean antecedent and petitioner no.1, is a senior citizen and petitioner nos.2 and 3 are young boys and there is no specific allegation of assault against any of the accused persons, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Naya Ram Nagar P. S. Case No.210 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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