

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24584 of 2021

Arising Out of PS. Case No.-116 Year-2020 Thana- TEKARI District- Gaya

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1. CHHOTU PASWAN SON OF YAMUNA PASWAN @ JAMUNA PASWAN R/O VILLAGE- FATEHPUR, P.S- TEKARI, DIST- GAYA
 2. NARESH PASWAN SON OF YAMUNA PASWAN @ JAMUNA PASWAN R/O VILLAGE- FATEHPUR,P.S- TEKARI, DIST- GAYA
 3. SURENDRA PASWAN SON OF YAMUNA PASWAN @ JAMUNA PASWAN R/O VILLAGE-FATEHPUR, P.S- TEKARI, DIST- GAYA
 4. RAM PRAVESH PASWAN SON OF RAM LAKHAN PASWAN R/O VILLAGE- FATEHPUR,P.S- TEKARI,DIST- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh, Adv.
For the Opposite Party/s : Mr.Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 22-08-2022 Heard the parties.

Learned counsel for the petitioners seeks permission of the Court to make correction in the date of F.I.R. mentioned at para-1 of the bail application.

He is permitted to do so.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

After some arguments, learned counsel for the petitioners seeks permission to withdraw this application as against the



petitioner nos.1 and 2.

Permission is accorded.

This application with regard to petitioner nos.1 and 2 is dismissed as withdrawn. Now, it is being heard for consideration of bail as against the petitioner nos.3 and 4 only.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 341, 323, 325, 307, 354 and 506/34 of the Indian Penal Code.

Allegedly, all the FIR named accused persons including the petitioners have brutally assaulted the informant's side by means of various weapons, due to which they sustained several fatal injuries.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. There is no specific allegation against the petitioner nos.3 and 4. It is submitted that for the alleged occurrence, there is a case and counter-case between the parties and the present case is the counter blast of the case instituted by the petitioner no.1. In the occurrence, both sides have sustained injuries, which are simple in nature. In the alleged occurrence, both sides have sustained



injuries and there is a case and counter-case between the parties. It is further submitted that the occurrence is said to have taken place on 09.03.2020 but the FIR has been lodged after a delay of four days on 13.03.2020 without giving any plausible explanation, which also creates doubt about the prosecution case. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, since the injuries are simple in nature and there is case and counter-case between the parties, let the above named petitioner nos.3 and 4, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Tekari P.S. Case No.116 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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