

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72330 of 2021

Arising Out of PS. Case No.-203 Year-2020 Thana- BELAGANJ District- Gaya

Raushan Kumar Son Of Sudama Paswan Resident Of Village- Panari, Post
Office- Panari Belaganj, Police Station- Beleganaj, District- Gaya

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 5049 of 2022

Arising Out of PS. Case No.-203 Year-2020 Thana- BELAGANJ District- Gaya

Umesh Kumar @ Mukesh Paswan S/O Ravindra Kumar @ Gadha Paswan @
Ramundra Paswan R/O Village- Panari, P.S.- Belaganj, District- Gaya (Bihar)

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 16474 of 2022

Arising Out of PS. Case No.-203 Year-2020 Thana- BELAGANJ District- Gaya

Amarnath @ Amarnath Kumar Son Of Sunil Paswan Resident Of Village -
Paanri, P.S.- Belaganj, Distt.- Gaya.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 72330 of 2021)

For the Petitioner/s : Mr. Manoranjan Kumar

For the Opposite Party/s : Mr. Ramchandra Singh

(In CRIMINAL MISCELLANEOUS No. 5049 of 2022)

For the Petitioner/s : Mr. Md. Murad Ashraf

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha

(In CRIMINAL MISCELLANEOUS No. 16474 of 2022)

For the Petitioner/s : Mr. Ranjay Kumar Singh

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA



ORAL ORDER

2 13-05-2022 **CRIMINAL MISCELLANEOUS No.72330 of 2021**

Heard learned counsel for the petitioner and learned APP for the State through video conferencing.

The petitioner seeks bail in a case registered for the offences punishable under Sections 147, 149, 341, 323, 307, 302 of the Indian Penal Code.

The learned counsel for the petitioner submits that the petitioner is in custody since 10.09.2021, he is a person with clean antecedent, charge-sheet has been submitted in this case and is a young boy aged about 22 years.

The learned counsel for the petitioner submits that the informant alleges that his son along with his companion was returning home on his motorcycle and they stopped near Panari High School at the hand-pump for drinking water, in the meantime, the villagers of Panari village, who were returning after playing cricket, started abusing the son of the informant and they also assaulted him. It is next alleged that after the assault when the informant reached the alleged place of occurrence together with his co-villager Tuntun Yadav and other persons, they found altogether ten named accused persons were assaulting the son of the informant by bat, wickets and by fists and blows and accordingly, it is alleged that the injured was



taken to the hospital where he died during the course of treatment.

The learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the allegation of assault is general and omnibus in nature. It is alleged that all the 10 named accused persons were assaulting the deceased. It is submitted that the allegation does not get corroborated with the post mortem report as it absolutely does not stand to reason that if ten accused were assaulting the deceased with bat, wickets, fists and blows, then how come only two injuries were found on the body of the deceased. The learned counsel further submits that co-accused Jyotish Kumar has been granted bail by order dated 23.12.2020 in Cr. Misc. No.35065 of 2020.

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

Considering the fact that the petitioner is in custody, he is a person with clean antecedent, charge-sheet has been submitted in this case, is a young boy aged about 22 years and the allegation of assault is general and omnibus in nature, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to



the satisfaction of learned Court below where the case is pending in connection with Belaganj P. S. Case No.203 of 2020, subject to condition that one of the bailors shall be the father of the petitioner namely, Sudama Paswan.

The application stands allowed.

CRIMINAL MISCELLANEOUS No. 5049 of 2022

Heard learned counsel for the petitioner and learned APP for the State through video conferencing.

The petitioner seeks bail in a case registered for the offences punishable under Sections 147, 149, 341, 323, 307, 302 of the Indian Penal Code.

The learned counsel for the petitioner submits that the petitioner is in custody since 06.09.2021, he is a person with clean antecedent, charge-sheet has been submitted in this case and is a young boy aged about 23 years.

The learned counsel for the petitioner submits that the informant alleges that his son along with his companion was returning home on his motorcycle and they stopped near Panari High School at the hand-pump for drinking water, in the meantime, the villagers of Panari village, who were returning after playing cricket, started abusing the son of the informant and they also assaulted him. It is next alleged that after the



assault when the informant reached the alleged place of occurrence together with his co-villager Tuntun Yadav and other persons, they found altogether ten named accused persons were assaulting the son of the informant by bat, wickets and by fists and blows and accordingly, it is alleged that the injured was taken to the hospital where he died during the course of treatment.

The learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the allegation of assault is general and omnibus in nature. It is alleged that all the 10 named accused persons were assaulting the deceased. It is submitted that the allegation does not get corroborated with the post mortem report as it absolutely does not stand to reason that if ten accused were assaulting the deceased with bat, wickets, fists and blows, then how come only two injuries were found on the body of the deceased. The learned counsel further submits that co-accused Jyotish Kumar has been granted bail by order dated 23.12.2020 in Cr. Misc. No.35065 of 2020.

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

Considering the fact that the petitioner is in custody, he is a person with clean antecedent, charge-sheet has been



submitted in this case, is a young boy aged about 23 years and the allegation of assault is general and omnibus in nature, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Belaganj P. S. Case No.203 of 2020, subject to condition that one of the bailors shall be the father of the petitioner namely, Ravindra Kumar @ Gadha Paswan @ Ramundra Paswan.

The application stands allowed.

CRIMINAL MISCELLANEOUS No. 16474 of 2022

Heard learned counsel for the petitioner and learned APP for the State through video conferencing.

The petitioner seeks bail in a case registered for the offences punishable under Sections 147, 149, 341, 323, 307, 302 of the Indian Penal Code.

The learned counsel for the petitioner submits that the petitioner is in custody since 19.01.2022, he is a person with clean antecedent, charge-sheet has been submitted in this case and is a young boy aged about 24 years.

The learned counsel for the petitioner submits that the



informant alleges that his son along with his companion was returning home on his motorcycle and they stopped near Panari High School at the hand-pump for drinking water, in the meantime, the villagers of Panari village, who were returning after playing cricket, started abusing the son of the informant and they also assaulted him. It is next alleged that after the assault when the informant reached the alleged place of occurrence together with his co-villager Tuntun Yadav and other persons, they found altogether ten named accused persons were assaulting the son of the informant by bat, wickets and by fists and blows and accordingly, it is alleged that the injured was taken to the hospital where he died during the course of treatment.

The learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the allegation of assault is general and omnibus in nature. It is alleged that all the 10 named accused persons were assaulting the deceased. It is submitted that the allegation does not get corroborated with the post mortem report as it absolutely does not stand to reason that if ten accused were assaulting the deceased with bat, wickets, fists and blows, then how come only two injuries were found on the body of the



deceased. The learned counsel further submits that co-accused Jyotish Kumar has been granted bail by order dated 23.12.2020 in Cr. Misc. No.35065 of 2020.

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

Considering the fact that the petitioner is in custody, he is a person with clean antecedent, charge-sheet has been submitted in this case, is a young boy aged about 24 years and the allegation of assault is general and omnibus in nature, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Belaganj P. S. Case No.203 of 2020, subject to condition that one of the bailors shall be the father of the petitioner namely, Sunil Paswan.

The application stands allowed.

(Satyavrat Verma, J)

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