

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20380 of 2022

Arising Out of PS. Case No.-464 Year-2020 Thana- AMARPUR District- Banka

1. SAMUNDRA PASWAN @ SAMUNDER PASWAN S/o Late Rasudi Paswan Resident of Village - Bidanchak, P.O. and P.S. - Amarpur, District - Banka.
2. MITHUN KUMAR @ MITHUN PASWAN S/o Samundra Paswan Resident of Village - Bidanchak, P.O. and P.S. - Amarpur, District - Banka.
3. GHUTO PASWAN S/o Umesh Paswan Resident of Village - Bidanchak, P.O. and P.S. - Amarpur, District - Banka.
4. NARAD PASWAN S/o Late Muko Paswan @ Late Mukdev Paswan Resident of Village - Bidanchak, P.O. and P.S. - Amarpur, District - Banka.

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand
For the Opposite Party/s : Mr. Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-09-2022 From perusal of the order-sheet, it appears that this application in respect of petitioner nos.1 and 2 has already been dismissed as withdrawn vide order dated 24.05.2022.

Now, this application survives only for petitioner nos.3 and 4.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

Learned counsel for the petitioners undertakes to remove the defects, as pointed out by the office, within four weeks. In the eventuality of non-removal of defects within



undertaken period, the office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 354B, 427, 504 & 506/34 of the Indian Penal Code.

The allegation against these petitioners, as per FIR, is that on hulla, the son of the informant, namely, Pritam Kumar went to the house of Shankar Sharma and saw that these petitioners and other were assaulting the wife of Shankar Sharma with intent to outrage her modesty. It is further alleged that on seeing the informant's son, these petitioners started assaulting the son of the informant and while the informant along with other co-accused rushed in his rescue, they too were assaulted by these petitioners and other by throwing bricks and stones causing injury to them.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Both sides have filed cases against each other. Both sides have sustained injury. The injury sustained by the victim is simple in nature. Petitioner no.3 has



one criminal antecedent while petitioner no.4 has no criminal antecedent, as mentioned in para-3 of this application.

Having regard to the facts and circumstances of the case, let the above named petitioner nos.3 & 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 lower Court where the case is pending/successor Court in connection with Amarpur P.S. Case No.464 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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