

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19963 of 2022

Arising Out of PS. Case No.-463 Year-2020 Thana- AMARPUR District- Banka

1. SAMUNDRA PASWAN ALIAS SAMUNDER PASWAN LATE RASUDI PASWAN RESIDENT OF VILLAGE-BIDANCHAK, P.O AND P.S-AMARPUR, DIST- BANKA
2. MITHUN KUMAR ALIAS MITHUN PASWAN SON OF SAMUNDRA PASWAN RESIDENT OF VILLAGE-BIDANCHAK, P.O AND P.S-AMARPUR, DIST- BANKA
3. GHUTO PASWAN SON OF UMESH PASWAN RESIDENT OF VILLAGE-BIDANCHAK, P.O AND P.S- AMARPUR, DIST- BANKA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand, Advocate
For the Opposite Party/s : Mr. Vinod Shanker Modi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 01-11-2022 By order dated 24.05.2022, the prayer for anticipatory bail of petitioner nos. 1 and 2 has already been dismissed as withdrawn.

Heard learned counsel for the petitioner no. 3 and learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period of four weeks.

The petitioner no. 3 apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 354(B), 447, 504 and 506/34 of the Indian Penal Code.

Learned counsel for the petitioner no. 3 submits that



petitioner no. 3 has antecedent of one case.

The informant alleges that on 09.08.2020 at 03:00 p.m. when her son was on his way to work near Pahariya Baba Asthan four accused persons including the petitioner no. 3 surrounded the victim and assaulted him with fist and punches. It is alleged that all the accused persons again came at the house of the informant in the evening and Samundra Paswan abused the informant and touched her inappropriately and dashed her on the ground. Shankar Paswan inappropriately touched the minor daughter of the informant and on alarm when the villagers gathered they pelted stones.

Learned counsel for the petitioner no. 3 submits that petitioner no. 3 has been falsely implicated in the present case. It is further submitted that as far as petitioner no. 3 is concerned, the allegation against him is general and omnibus in nature as specific allegation is against Samundra Paswan and Shankar Paswan of touching the informant and her daughter inappropriately. It is next submitted that the date of occurrence is 09.08.2020 and the FIR came to be instituted on 12.08.2020 i.e. after a delay of three days without any plausible explanation.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.



Considering the submissions made by the learned counsel for the petitioner no. 3, the petitioner no. 3 above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) 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 Amarpur P.S. Case No. 463 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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