

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37387 of 2021

Arising Out of PS. Case No.-308 Year-2019 Thana- BIRAUL District- Darbhanga

1. Ashok Paswan S/O Late Rama Paswan Resident Of Village Mirjapur, P.S- Biraul, District-Darbhangha.
2. Suresh Paswan S/O Late Rama Paswan Resident Of Village Mirjapur, P.S- Biraul, District-Darbhangha.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar, Advocate

For the Opposite Party/s : Mr.Satyadeo Singh Yadav, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-05-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

The petitioners are apprehending their arrest in a case registered under Sections 341, 323, 324, 307, 379, 504 and 34 of the Indian Penal Code.

Allegation against the petitioners is that petitioner No.1 assaulted the informant by lathi on his head, due to which he sustained injury and when the son of the informant, namely, Mukesh Paswan came to rescue him, petitioner No.1 assaulted



him by farsa, due to which he sustained injury and when another son of the informant, namely, Rajesh Paswan came to save, petitioner No.2 assaulted him by means of bhala, due to which he sustained injury.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. It is a case and counter case between the parties. Free fight is alleged to have taken place. The injuries on the side of the accused persons have not been explained by the prosecution. The prosecution has not come with clean hands. The nature of injury is said to be simple. Hence, no offence under Section 307 of the I.P.C. is made out.

On behalf of the State, it is submitted that the petitioners are named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of twelve 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 learned A.C.J.M. II,



Biraul, District Darbhanga in connection with Biraul P.S. case
No.308 of 2019, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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