

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41755 of 2021

Arising Out of PS. Case No.-68 Year-2020 Thana- ASHTHAWAN District- Nalanda

1. SAROJ DEVI Wife of Anil Paswan Resident of Village - Nizampura, P.S. - Asthawan, District - Nalanda.
2. Anil Paswan Son of Late Shiv Nandan Paswan Resident of Village - Nizampura, P.S. - Asthawan, District - Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

.. ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Sinha
For the Opposite Party/s : Ms.Nirmala Kumari. APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-01-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and the learned APP for the State.

The petitioners seek regular bail in connection with Asthawan PS case no. 68 of 2020 instituted for the offences punishable under Sections 341, 323, 307, 504, 506/34 of Indian Penal Code and 27 of Arms Act.

The allegation is regarding the petitioner no. 1 having assaulted the informant by sticks whereas the petitioner no. 2 is stated to have assaulted the informant by hands and fists. It is also alleged that the co-accused person namely



Abhinash Paswan had fired on the informant, however the bullet hit the co-accused person namely Akash Paswan.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 17.05.2021. The learned counsel for the petitioner has further submitted that the present case arises out of case and counter case, inasmuch as the son of the petitioners has also lodged an FIR bearing Asthawan PS case no. 69 of 2020 against the informant and his family members. The learned counsel for the petitioner has further submitted that no serious injuries has been inflicted upon the person of the informant and in fact, the informant has also filed a petition before the learned court below, which is Annexure 3 and in paragraph no. 8 thereof, it has been stated that the petitioners were not present at the time when the alleged incident had taken place.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on



record as also considering the fact that the petitioners have been alleged to have assaulted the informant by fists and sticks but no serious injuries have been inflicted upon the informant, apart from the fact that the present case arises out of case and counter case, I deem it fit and proper to admit the petitioner to the privilege of bail. Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of C.J.M., Nalanda at Bihar Sharif in connection with Asthawan PS case no. 68 of 2020.

(Mohit Kumar Shah, J)

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