

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.39939 of 2022**

Arising Out of PS. Case No.-380 Year-2021 Thana- ROSERA District- Samastipur

1. Tapeswar Paswan, S/O Late Baudhu Paswan R/O Village- Bhatandi, P.S.- Rosera, District- Samastipur
2. Kundan Kumar Paswan @ Kundan Paswan, S/O Tapeswar Paswan R/O Village- Bhatandi, P.S.- Rosera, District- Samastipur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Vijay Anand

For the Opposite Party/s : Mr. Amitesh Kumar

Mr. Abhimanyu Sharma

Mr. Pratik

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**

ORAL ORDER

2      08-12-2022                      Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 447, 341, 323, 307, 354, 379, 427, 504 and 506 of the Indian Penal Code.

The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that on orders of petitioner no.1, co-accused Chandan Paswan and Nandan Paswan assaulted him by an iron rod causing injury on head. Further, petitioner no.1 assaulted wife of the informant Sita Devi and Kundan Paswan along with other named accused persons assaulted Nunu Paswan causing grievous injury.



The learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is next submitted that as far as allegation against petitioner no.1 is alleged the same is of assaulting the wife of the informant on head, but then the opinion with respect to the injury is reserved. It is also submitted that no doubt, Nunu Paswan received grievous injury i.e. fracture of leg, but then allegation of assaulting him is against three persons Kundan Paswan, Rupesh Paswan and Devendra Paswan.

The learned counsel for the informant as well as learned A.P.P. opposes the bail application. The learned counsel for the informant submits that since opinion with respect to the injury of the wife of the informant is reserved that amply demonstrates that the injury was not simple, but as far as Nunu Paswan is concerned, injury suffered by him is grievous which amply demonstrates the force which was used against him by petitioner no.2 and two other named accused persons.

The learned counsel for the petitioners rebuts the submission of the learned counsel for the informant and submits that though in the impugned order, it is recorded that Nunu Paswan suffered grievous injury, but from perusal of the injury report as recorded in the case diary, it appears that the nature of



injury has not been disclosed.

Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Rosera P. S. Case No.380 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

However, the learned trial Court before accepting the bail bonds of the petitioners, shall verify the injuries of the wife of the informant and Nunu Paswan and in the event, if it is found that the injury are grievous in nature, then the present anticipatory bail order shall not be acted upon.

**(Satyavrat Verma, J)**

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