

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.157 of 2021

Arising Out of PS. Case No.-24 Year-2020 Thana- BHIMPUR District- Supaul

-
1. Sanjay Paswan, (Male), aged about 26 years, S/o Sakaldev Paswan, R/o Village- Barail, P.S.- Bhimpur, District- Supaul.
 2. Dileep Paswan, (Male), aged about 32 years, S/o Sakaldev Paswan, R/o Village- Barail, P.S.- Bhimpur, District- Supaul.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Ms. Aprajita, Advocate

For the Opposite Party : Mr. Raj Kishore Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 20-01-2022 Due to the third wave of COVID-19 Pandemic, the matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioners and learned A.P.P. for the State through Virtual mode.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks after restoration of normalcy.

The petitioners are apprehending their arrest in connection with Bhimpur P.S. Case No. 24 of 2020 for the



offence registered under Sections 147, 148, 149, 341, 342, 323, 337, 338, 324, 307, 354, 379, 506 and 504 of the I.P.C.

The prosecution case, in brief, is that on 17.04.2020 at about 8.30 in the morning, the informant was coming back from Narpatganj Bazaar to his home by his private vehicle meanwhile, the petitioners including other family members obstructed his path by barricading the same and assaulted the informant with fists and slaps. His younger brother Suman Kumar Sah was assaulted by them. The other family members of the informant came to rescue them, who had also been assaulted by the petitioners and his family members by *Lathi*, *Khanti*, *Farsa*, rod and brick stone. During the course of this scuffle, co-accused Shyam Sundar Paswan has allegedly assaulted Ram Khelawan Sah by *Farsa* who sustained injury, Sanjay Paswan (petitioner no. 1) assaulted Geeta Devi by rod, whereas co-accused Sanddeep Paswan and Dileep Paswan (petitioner no. 2) assaulted other family members of the informant by pelting stones and bricks.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the



petitioners. The alleged occurrence is said to have taken place due to land dispute. Nature of injury is said to be simple. Hence, no offence under Section 307 of the I.P.C. is made out in the present case. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in covid cases.

Considering the aforesaid facts and circumstances, the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bonds to the satisfaction of the learned 2nd Additional Sessions Judge, Supaul, in connection with Bhimpur P.S. Case No. 24/2020, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

U.K./-

U		T	
---	--	---	--

(Sudhir Singh, J)

