

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65252 of 2021

Arising Out of PS. Case No.-269 Year-2021 Thana- MOHANIYA District- Kaimur (Bhabua)

1. NARAYAN PASWAN Son of Jagropan Paswan Resident of Village - Bhatti, P.s.- Mohania, Distt.- Kaimur at Bhabua.
2. DHIRENDRA PASWAN SON OF NARARYAN PASWAN Resident of Village - Bhatti, P.s.- Mohania, Distt.- Kaimur at Bhabua.
3. GOLU PASWAN SON OF KAMESHWAR PASWAN Resident of Village - Bhatti, P.s.- Mohania, Distt.- Kaimur at Bhabua.
4. ANIRUDH PASWAN SON OF NARAYAN PASWAN Resident of Village - Bhatti, P.s.- Mohania, Distt.- Kaimur at Bhabua.
5. ANURAG PASWAN SON OF KAMESHWAR PASWAN Resident of Village - Bhatti, P.s.- Mohania, Distt.- Kaimur at Bhabua.
6. RAMESH PASWAN SON OF NARAYAN PASWAN Resident of Village - Bhatti, P.s.- Mohania, Distt.- Kaimur at Bhabua.
7. KAMESHWAR PASWAN SON OF NARAYAN PASWAN Resident of Village - Bhatti, P.s.- Mohania, Distt.- Kaimur at Bhabua.
8. VISHWANATH PASWAN SON OF JAGROPAN PASWAN Resident of Village - Bhatti, P.s.- Mohania, Distt.- Kaimur at Bhabua.
9. VISHAL PASWAN SON OF RAMA SHANKAR PASWAN Resident of Village - Bhatti, P.s.- Mohania, Distt.- Kaimur at Bhabua.
10. VIKKI PASWAN SON OF RAMA SHANKAR PASWAN Resident of Village - Bhatti, P.s.- Mohania, Distt.- Kaimur at Bhabua.
11. RAHUL PASWAN SON OF BHANU PASWAN Resident of Village - Bhatti, P.s.- Mohania, Distt.- Kaimur at Bhabua.
12. RAMA SHANKAR PASWAN SON OF VISHWANATH PASWAN Resident of Village - Bhatti, P.s.- Mohania, Distt.- Kaimur at Bhabua.
13. BHANU PASWAN SON OF VISHWANATH PASWAN Resident of Village - Bhatti, P.s.- Mohania, Distt.- Kaimur at Bhabua.
14. JITENDRA PASWAN SON OF RAMA SHANKAR PASWAN Resident of Village - Bhatti, P.s.- Mohania, Distt.- Kaimur at Bhabua.
15. UPENDRA PASWAN SON OF RAMA SHANKAR PASWAN Resident of Village - Bhatti, P.s.- Mohania, Distt.- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh,Adv.

For the Opposite Party/s : Mr.Murli Dhar,APP

Mr.Sunil Kumar Singh No.10,Adv.



CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 22-08-2022 Heard learned counsel for the parties.

The petitioners apprehend their arrest in a case registered for the offence under Sections 341, 323, 504, 308, 354, 506, 34 of the Indian Penal Code.

As per the prosecution case, on the alleged date and time of occurrence, all these petitioners alongwith other co-accused, armed with weapons, were ploughing the land of informant. When informant tried to stop them, they abused and assaulted him. Petitioner no. 6 and 7 are alleged to have attacked the informant with *lathi* and *garasa*, as a result of which, the informant suffered head injury, and thereafter, they (petitioner no. 6 & 7) tried to kill him by strangulation. There is also allegation of misbehaving with female persons against the accused persons. The accused persons are also alleged to have violated the proceeding under Section 107 of the Cr.P.C.

It is submitted on behalf of petitioners that though, there is specific accusation of assault against petitioners no. 6 & 7 namely Kameshwar Paswan and Ramesh Paswan, but the doctor has found the injury to be simple in nature. So far as other petitioners are concerned, there is general and omnibus allegation. In fact, the present case is counter blast of Mahila



P.S. Case No. 268 of 2021. Admittedly, the occurrence took place due to land dispute between the parties. The allegation of outraging the modesty of some ladies is false and fabricated and levelled only with a view to make the offence grave.

Learned counsel for the Informant vehemently opposed the prayer for anticipatory bail and submitted that it is an admitted case of free-fight between the parties, in which, informant and others sustained several injuries, some of them are grievous in nature. Injury report supports the prosecution case and there is specific accusation of assault against petitioner no. 6 & 7. Petitioners and other co-accused persons are also alleged to have violated the proceeding under Section 107 of Cr.P.C.

However, considering the fact that a free fight took place between the parties in which both sides sustained injury, there is case & counter case and the injury caused by petitioners no. 6 & 7 are simple in nature, the prayer for anticipatory bail of petitioners is allowed.

Let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the



satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabhua / concerned court in connection with Mohania P.S. Case No. 269 of 2021, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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