

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7175 of 2023

Arising Out of PS. Case No.-304 Year-2021 Thana- KALYANPUR District- East Champaran

1. SONU PASWAN @ SONU KUMAR S/O MOTILAL PASWAN R/v- Alakhbani, P.S.- Kalyanpur, District- East Champaran
2. MOTILAL PASWAN S/O RAMCHANDRA PASWAN R/v- Alakhbani, P.S.- Kalyanpur, District- East Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate
For the Opposite Party/s : Ms.Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners, in the present case, are seeking pre-arrest bail in connection with Kalyanpur P.S. Case No. 304/2021 registered for the offences punishable under Sections 341, 323, 325, 354, 379, 307/34 of the Indian Penal Code. They have no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged that on 11.11.2021 in the morning song of Chhath Puja was playing, in the meantime, co-accused Sonu Paswan (petitioner no. 1) pressurized to play the vulgar song thereafter thereafter said co-accused started abusing. It is further alleged that all the accused persons named in the F.I.R. reached there



with deadly weapon and assaulted with sword on the head of Vikash Paswan and Naresh Paswan, as a result thereof they sustained injury. Motilal Paswan (petitioner no. 2) gave iron rod blow on the head of Subhash Paswan with an intention to kill him. Wife of Subhash Paswan was also assaulted with lathi and danda.

Learned counsel for the petitioners submits that petitioner has been falsely implicated in this case. Learned counsel submits that there is admitted election dispute between the parties. There is case and counter case also.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case, the nature of disputes in which both the parties have lodged case and counter case and the allegation against petitioner no. 2 who is said to have given an assault upon Subhash Paswan who has sustained simple injury, petitioner no. 2 has otherwise no criminal antecedent, this Court, therefore, directs that in case of their arrest/surrender within a period of four weeks from today, let the petitioner no. 2 above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each



to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Kalyanpur P.S. Case No. 304/2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner no. 2 and in case at any stage it is found that the petitioner no. 2 has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner no. 2. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

So far as petitioner no. 1 is concerned, it is alleged that he had used a sword and assaulted Vikash Paswan on his head causing two injuries and one of them is grievous in nature, this Court is not inclined to grant privilege of anticipatory bail to the petitioner no. 1.

Prayer for anticipatory bail of petitioner no. 1 is, thus, refused.

In case, the petitioner no. 1 surrenders in the learned court below and prays for regular bail within a period of four weeks from today, his prayer for regular bail shall be considered



on it’s own merit without being prejudiced by the order of this
court.

(Rajeev Ranjan Prasad, J)

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