

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9975 of 2023

Arising Out of PS. Case No.-299 Year-2022 Thana- GOVINDGANJ District- East
Champaran

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1. BITTU KUMAR @ BITU KUMAR S/o Shambhu Paswan R/o Village-
Jaishanpur, P.S.- Harsidhi, Distt- East Champaran at Motihari.
 2. Brij Paswan @ Brijkishore Kumar S/o Amika Paswan R/o Village-
Jaishanpur, P.S.- Harsidhi, Distt- East Champaran at Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-05-2023 Heard the parties.

The petitioners are apprehending their arrest in connection with Govindganj P.S. Case No 299 of 2022 for the offence under Sections 147, 149, 323, 307, 341, 379, 504, 506, and 354 of the I.P.C. lodged on 17.06.2022 by the informant Maya Devi.

The prosecution story, in brief, is that, on 17.06.2022, the informant alleged that her son was sleeping in 'dalan'. In the meantime, all the F.I.R. named accused persons including these petitioners forming unlawful assembly and holding weapons in their hands came and started abusing and assaulting the son of informant. Accused Bittu Paswan with an intention to commit



murder gave iron-rod blow on the head of son of the informant, causing injuries. When the son-in-law of informant, namely, Ramnarayan Sharma came to his rescue, accused persons also assaulted him. Accused Brij Paswan and Nipu Paswan grabbed the hair of informant and dashed her on the ground. Accused Pintu Paswan snatched gold 'mangal-sutra' from the informant and he also snatched chain from the neck of son and son-in-law of the informant. Thereafter, informant and injured were taken to hospital for treatment.

Learned counsel for the petitioners submit that although they are named in the F.I.R., the allegation is omnibus in nature. Further, as per the order of the Learned Sessions Judge, the injuries have been found to be simple in nature.

Further the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioners on its own would like to contribute towards the medical assistance of Rs. 10,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant and her son after checking the credentials..

Learned APP opposes the prayer for bail.



Considering the fact that the omnibus allegation is there and the petitioners do not have criminal antecedents, the injuries are simple in nature as incorporated in learned Sessions Judge's order, this Court is inclined to extend them the privilege of anticipatory bail with conditions:

Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran, in connection with Govindganj P.S. Case No 299 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned



police station every fortnight for next six months to mark his attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

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