

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21252 of 2023

Arising Out of PS. Case No.-145 Year-2022 Thana- PATEPUR District- Vaishali

1. Ram Vilash Paswan, Son of Late Rameshwar Paswan, Resident of Village - Lohani Patti Kaiju, P.S.- Patepur, District - Vaishali.
2. Ram Ishwar Paswan, Son of Late Rameshwar Paswan, Resident of Village - Lohani Patti Kaiju, P.S.- Patepur, District - Vaishali.
3. Guddu Paswan @ Guddu Kumar, Son of Ram Ishwar Paswan, Resident of Village - Lohani Patti Kaiju, P.S.- Patepur, District - Vaishali.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Singh, Advocate
For the State	:	Mr. Pradeep Narain Kumar, APP
For the Informant	:	Mr. Rajeev Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioners, learned APP
for the State and learned counsel for the informant.

The petitioners in the present case are seeking pre-arrest bail in connection with Patepur P.S. Case No. 145 of 2022 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 325, 354(B), 379, 307, 504, 506 of the Indian Penal Code. They have got no criminal antecedent.

As per the prosecution story, the informant alleged that on 06.06.2022 at about 09:00 P.M. when the male members of her family had gone to attend marriage ceremony near the house, twelve FIR named accused persons entered into her house and started abusing her. One Ram Vilash Paswan gave a



farsa blow on the head of the informant causing head injury and bleeding. When the daughter-in-law of the informant came to rescue her, one Guddu Paswan assaulted her with iron rod causing fracture in her left hand. The accused persons also tried to outrage the modesty of the informant and her daughter-in-law. When the son of the informant came to rescue them, Ram Ishwar Paswan assaulted him with rod causing fracture in his left hand. They also snatched the jitiya of the informant and mangalsutra of her daughter-in-law.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. Learned counsel submits that there is a land dispute between the parties and the parties have lodged case and counter case against each other. It is further submitted that the injury caused by the petitioner nos. 1 and 2 is simple in nature.

Learned APP for the State has opposed the anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case wherein it is submitted that there is a land dispute between the parties, there is also a Panchayat over the land dispute whereafter the alleged occurrence took place, both the sides have lodged case and counter case and the assault allegedly



caused by petitioner nos. 1 and 2 has resulted in only simple injuries upon the victim, they have also no criminal antecedent, hence, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioner nos. 1 and 2 shall be released on bail in connection with Patepur P.S. Case No. 145 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Vaishali at Hajipur, 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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 the petitioner no. 3 is concerned, the injury caused by him is grievous in nature, hence, this Court is not inclined to grant privilege of anticipatory bail to the petitioner no. 3.



His prayer is refused.

In case, the petitioner no. 3 surrenders and prays for regular bail in the learned court below, his prayer shall be considered on its own merit without being prejudiced by the order of this Court

This application stands allowed in respect of petitioner nos.1 and 2.

(Rajeev Ranjan Prasad, J)

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