

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19266 of 2023

Arising Out of PS. Case No.-539 Year-2022 Thana- SHIVSAGAR District- Rohtas

1. Gobardhan Paswan Son of Late Ram Chandra Paswan Resident Of Village- Budharika, P.S. Sheosagar ,Dist Rohtas At Sasaram
2. Pritam Kumar Son Of Gobardhan Paswan Resident Of Village- Budharika, P.S. Sheosagar ,Dist Rohtas At Sasaram
3. Shashi Kumar Son Of Gobardhan Paswan Resident Of Village- Budharika, P.S. Sheosagar ,Dist Rohtas At Sasaram
4. Deo Charan Paswan Son Of Late Jagropan Paswan Resident Of Village- Budharika, P.S. Sheosagar ,Dist Rohtas At Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad, Advocate.

For the Opposite Party/s : Ms. Shaheen Begum, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-06-2023 Heard Mr. Babu Nandan Prasad, learned counsel appearing on behalf of the petitioners and the learned APP for the State.

The petitioners apprehend their arrest in connection with Sheosagar P.S. Case No. 539 of 2022 registered for the offences punishable under Sections 341, 323, 326, 379, 354, 504 and 506/34 of the Indian Penal Code.

Allegedly, while the informant was going to Sasaram, in the meantime, all the accused persons including the petitioners intercepted him and started abusing. It is further



alleged that co-accused petitioner no. 2 gave a spade blow over his head due to which he sustained injury. It is also alleged that other co-accused persons misbehaved with the wife of the informant and they also snatched Rs. 15,000/- from his pocket.

Submissions has been made on behalf of the petitioners that in fact on account of old enmity, the name of all the family members have been implicated in this case, however, from the FIR it is evident that the informant had not assigned even the reason of the occurrence. He submits that the injuries which is allegedly sustained over the bodies of the informant are found to be simple in nature as is evident from the injury report brought on record by way of Annexure '2' and '2/1'. He next submitted that from the FIR it is also evident that none of the accused persons including the petitioners were carrying any arms or ammunition and in fact they are simple farmers and on account of some trifling reason, it appears that free fight has taken place. He next submitted that all the petitioners are persons of fair and antecedent and they are ready to give undertaking that they will not indulge in such type of activities in future.

On the other hand, learned APP for the State vehemently opposes the pre-arrest bail application and submits



that the petitioners along with others in furtherance of common intention assaulted the informant and snatched his money.

Regard being had to the submissions made on behalf of the parties and considering the nature of injuries and the fair antecedent of the petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sasaram, Rohtas in connection with Sheosagar P.S. Case No. 539 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Harish Kumar, J)

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