

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28405 of 2023

Arising Out of PS. Case No.-705 Year-2022 Thana- BIHTA District- Patna

1. Chhote Paswan @ Chhotan Paswan Son of Bhagirath Paswan @ Phekdari Paswan R/O-Neora, P.S.-Bihta, Distt.-Patna
2. Baban Paswan @ Vavan Paswan Son of Bhagirath Paswan @ Phekdari Paswan R/O-Neora, P.S.-Bihta, Distt.-Patna
3. Laxamn Kumar @ Laxaman Paswan Son of Jugal Paswan R/O-Neora, P.S.-Bihta, Distt.-Patna
4. Kallu Paswan @ Ramjee Kumar @ Ramjee Paswan Son of Jugal Paswan R/O-Neora, P.S.-Bihta, Distt.-Patna

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Kamlesh Prasad Yadav, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Bihta P.S. Case No. 705 of 2022 registered for the offences punishable under Sections 147, 148, 341, 323, 307, 354, 504 of the Indian Penal Code. They have got no criminal antecedent.

3. As per the prosecution story, on 18.07.2022 at 07:00 A.M. all the accused persons including these petitioners variously armed came at the door of the informant and started abusing her and when she forbade them not to abuse, all the



accused persons pulled her hair and threw her on the ground. It is alleged that when the mother and father of the informant came to rescue her, all the accused persons started assaulting the informant's side with lathi/danda, iron rod as a result of which the informant sustained head injury.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case over a land dispute. It is submitted that the allegations are general and omnibus and the injuries are simple in nature.

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

6. Having regard to the submissions of learned counsel for the petitioners that the allegation of causing assault upon the informant has been made against three persons whereas the informant has suffered only two injuries which are simple in nature, so far as the injuries caused to the mother and father of the informant are concerned, those are also simple in nature and have been caused allegedly by hard and blunt object in course of a land dispute and the petitioners and the informant are gotiyas, the petitioners have otherwise no criminal antecedent, hence, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the



petitioners above named be released on bail in connection with Bihta P.S. Case No. 705 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 A.C.J.M.-I, Danapur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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