

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28274 of 2023

Arising Out of PS. Case No.-306 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

1. AVDHESH PASWAN @ AWADHESH PASWAN S/o-Late Lala Paswan Residents of Village- Akhlaspur, P.S.- Bhabua, District- Kaimur at Bhabua
2. J.P. Paswan @ Raju Kumar Paswan S/o- Avdhesh Paswan @ Awadhesh Paswan Residents of Village- Akhlaspur, P.S.- Bhabua, District- Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar Seth, Advocate.
For the Opposite Party/s : Mr.Harendra Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-07-2023 Heard Mr. Vinod Kumar Seth, learned counsel appearing on behalf of the petitioners and Mr. Harendra Prasad, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Bhabua P.S. Case No. 306 of 2020 registered for the offence punishable under Sections 147, 148, 149, 323, 324, 325, 307, 337 and 504 of the Indian Penal Code.

3. Prosecution story, in brief, is that the informant alleged that while his disabled son was returning to his house from Bhabua, co-accused Chandrashekhar Paswan dashed him from behind. The son of the informant asked Chandrashekhar Paswan about the reason for dashing him, on which



Chandrashekhar Paswan and his brother Chandan Paswan assaulted his son with fists and slaps. On alarm, nearby persons came there. Thereafter, the petitioners Awadhesh Paswan and J. P. Paswan and co-accused Abhimanyu Paswan, Dilip Paswan, Manohar Paswan, Dhananjay Paswan, Santosh Paswan and Ramanuj Paswan came with iron rod. Manohar Paswan and Chandan Paswan assaulted him with stick. The informant's son got many injuries on his head. The informant also got injuries on different parts of his body.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent and they have, in fact, committed no offence as alleged. The occurrence is said to have taken place on 15.05.2020 and the F.I.R. was lodged on 19.05.2020 without giving any plausible explanation while the police station is just 2 Kms away from the place of occurrence. There is case and counter case between the parties. The allegation levelled against the petitioners are not specific rather general and omnibus in nature. Final form has been submitted against the petitioners. Similarly situated several co-accused have been released on anticipatory bail by a co-ordinate Bench vide order dated 08.04.2021 passed in Cr. Misc. No. 36278 of 2020.



5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

6. Considering the nature of allegation against the petitioners and the fact that the occurrence took place on 15.05.2020, but the informant lodged this case on 19.05.2020, although from the side of the petitioners, two cases were lodged against the informant and his family members on the same day i.e. on 15.05.2020, one case was lodged by the police on the same day against the informant and others and similarly situated several co-accused have been released on anticipatory bail by a co-ordinate Bench of this Court, the petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Kaimur at Bhabua in connection with Bhabua P.S. Case No. 306 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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