

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36601 of 2023

Arising Out of PS. Case No.-321 Year-2022 Thana- GAURICHAK District- Patna

1. Sanichar Paswan Son of Chhotan Paswan R/o Village - Abdullah Chak, P.S. - Gaurichak, Distt. - Patna
2. Suresh Paswan Son of Chhotan Paswan R/o Village - Abdullah Chak, P.S. - Gaurichak, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rewti Kant Raman, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-07-2023 Heard Mr. Rewti Kant Raman, learned counsel appearing on behalf of the petitioners and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Gaurichak P.S. Case No. 321 of 2022 registered for the offence punishable under Sections 341, 323, 504, 307, 447 and 379/34 of the Indian Penal Code.

3. Allegedly, while the informant was at his house, in the meantime, all the FIR named accused persons including the petitioners came at his door and started abusing. On protest being made, the accused persons assaulted the informant's brother. It is alleged that these petitioners have assaulted him



with *lathi* on his both hands. The reasons for assault is said to be land dispute between the parties.

4. Learned counsel appearing on behalf of the petitioners submits that even as per the narration made in the FIR, it is evident that the petitioners have assaulted over the hands of the informant's brother and, moreover, there is a counter version of the present case being Gaurichak P.S. Case No. 322 of 2022 instituted by wife of the petitioner no. 1. He further submits that the petitioners are men of fair antecedent and even as per the allegation, there is no ingredient constituting the offence much less under Section 307 of the IPC.

5. On the other hand, learned APP for the State vehemently opposes the pre-arrest bail application of the petitioner and submits that opinion with regard to one of the injuries is still reserve, which is not available on record.

6. Regard being had to the submissions made on behalf of the parties and considering the admitted land dispute, apart from the counter version of the present case, coupled with fair antecedent of the petitioners, let the above named petitioners, be released on bail, in the event of their arrest of 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, Patna city in connection with Gaurichak P.S. Case No. 321 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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