

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35761 of 2023

Arising Out of PS. Case No.-915 Year-2022 Thana- BODHGAYA District- Gaya

1. LALAN PASWAN son of Rampyare Paswan Village- Bhusiya Ps- Bodh Gaya (Cherki) Dist- Gaya
2. Krishna Paswan @ Krishan Paswan son of Late Munshi Paswan Village- Bhusiya Ps- Bodh Gaya (Cherki) Dist- Gaya
3. Anil Paswan son of Krishna Paswan @ Krishan Paswan Village- Bhusiya Ps- Bodh Gaya (Cherki) Dist- Gaya
4. Kapil Paswan @ Kapil Kumar son of Krishna Paswan @ Krishan Paswan Village- Bhusiya Ps- Bodh Gaya (Cherki) Dist- Gaya
5. Anuj Paswan @ Anuj Kumar Paswan son of Suraj Paswan Village- Bhusiya Ps- Bodh Gaya (Cherki) Dist- Gaya
6. Ranjeet Paswan @ Ranjeet Kumar son of Suraj Paswan Village- Bhusiya Ps- Bodh Gaya (Cherki) Dist- Gaya
7. Dilip Paswan @ Nepali Paswan son of Sahdev Paswan Village- Bhusiya Ps- Bodh Gaya (Cherki) Dist- Gaya
8. Sushma Devi wife of Lalan Paswan Village- Bhusiya Ps- Bodh Gaya (Cherki) Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ujjawal Kumar Singh
For the Opposite Party/s : Mr. Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 21-07-2023 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

Learned counsel for the petitioner submits that during the pendency of this application, the petitioner nos. 1 and 3 were arrested. Accordingly, he seeks permission to withdraw this application with regard to the petitioner nos. 1 and 3.



Permission is granted.

The application, with regard to the petitioner nos. 1 and 3, is dismissed as withdrawn.

This application, for grant of anticipatory bail, on behalf of the petitioner nos. 2, 4, 5, 6, 7, 8 arises out of Bodh Gaya (Cherki) Police Station Case No. 915 of 2022, dated 27.12.2022, disclosing offences under Sections 147/149/341/323/307/379/384/354/504/506 of the Indian Penal Code.

The prosecution case, on the basis of the First Information Report, is that the informant along with his family members was sowing wheat crop in his field, in the meanwhile, eleven named accused persons, including the petitioners, arrived there and obstructed the informant from sowing wheat in his field and when the informant told that the land, in question, is khatiyani land of the informant and his family members, upon which accused Lalan Paswan-petitioner no. 1, Krishna Paswan-petitioner no. 2, Ramadhar Paswan, Sehdev Paswan, Anil Paswan-petitioner no. 3 and Kapil Paswan-petitioner no. 4 assaulted the father of the informant and his family members due to which they sustained grievous injuries.

Learned Counsel for the petitioner nos. 2 and 4 to 8



submits that the petitioners are the owner of the land, in question, which would be evident from the rent receipt, annexed along with this bail application. He further submits that allegation against the petitioners are general and omnibus in nature and the injury caused to Veer Abhimanyu is simple in nature. He next submits that there is a counter case lodged by the side of the petitioners in which father of the co-accused Ranjeet Paswan sustained injury.

Learned counsel for the informant opposes the prayer for bail and submits that out of eleven accused persons, who arrived at the place of occurrence, there is specific allegation of assault against six accused persons, including the petitioner nos. 2 and 4.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that there is specific allegation of assault against the petitioner nos. 2 and 4 due to which four persons sustained injury and out of which two have sustained grievous injury, I am not inclined to grant the petitioner nos. 2 and 4 privilege of anticipatory bail.

Accordingly, the anticipatory bail application in respect of petitioner nos. 2 and 4 is dismissed.

In so far as the petitioner nos. 5 to 8 are concerned,



the allegation against them is general and omnibus in nature and the injury sustained by Veer Abhimanyu, who has allegedly been assaulted by the petitioner no. 6 is simple in nature.

Accordingly, this application, so far as the petitioner nos. 5 to 8 are concerned, is allowed.

Let the petitioner nos. 5 to 8, above named, in the event of their arrest or surrender before the Court below within four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Gaya, in connection with Gaya (Cherki) Police Station Case No. 915 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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