

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45858 of 2022

Arising Out of PS. Case No.-25 Year-2022 Thana- BAIRIYA District- West Champaran

1. PANKAJ KUMAR S/O RAJESH PASWAN Resident of village-Tadhwanandpur, P.S.- Bairiya, District- West Champaran.
2. RAJESH PASWAN S/O DHANESHWAR PASWAN Resident of village-Tadhwanandpur, P.S.- Bairiya, District- West Champaran.
3. NIRAJ KUMAR @ NIRAJ KUMAR PASWAN S/O RAJESH PASWAN Resident of village- Tadhwanandpur, P.S.- Bairiya, District- West Champaran.
4. GAUTAM KUMAR S/O RAJESH PASWAN Resident of village-Tadhwanandpur, P.S.- Bairiya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sanjeev Kumar
For the Opposite Party/s :	Mr. Aditya Narayan Singh.1
	Mr. Bimlesh Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 09-01-2023 Heard the parties.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 341, 342, 323, 307, 354A, 354B, 379, 504, 506 of the Indian Penal Code and 8/12 of POCSO Act.

The allegation against the petitioners is that the petitioners assaulted the informant's side by means of several weapons due to which they sustained injuries. It is also alleged that a golden chain was also snatched from the house of the informant.



It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is a case and counter-case between the parties. There is an admitted land dispute between the parties. He further submits that the injuries are simple in nature. Petitioners have one criminal antecedent.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail and submits that there is specific allegation against the petitioner no.1 namely, Pankaj Kumar to tease the minor daughter of the informant, which is also evident from the statement of victim recorded u/s 164 Cr.PC.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the petitioner no.1 on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

However, as the injuries attributed towards the petitioner nos.2, 3 and 4 are simple in nature, let the above named petitioner nos.2, 3 and 4, be released on bail, in the event of



their arrest or surrender before the learned Court below within a period of six weeks from today, 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 the learned court below where the case is pending/Successor Court in connection with Bairiya P.S. Case No.25 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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