

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46231 of 2023

Arising Out of PS. Case No.-174 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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MUKESH PASWAN S/O KAULESHWAR PASWAN R/O VILLAGE-
HARIYAN CHHAPRA, PS. MOTIHARI MUFFASIL, DIST. EAST
CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh

For the Opposite Party/s : Mr.Aditya Narayan Singh.1

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Muffasil Motihari P.S. Case No. 174 of 2023 registered for the offences punishable under Sections 147, 149, 341, 323, 325, 307, 302, 379, 452 of the Indian Penal Code.

3. As per prosecution case, petitioner alongwith other 5-6 unknown persons armed with weapon tried to enter informant's house. It is further alleged that co-accused Pramod Paswan assaulted informant by means of iron rod as a result of which he sustained injury on his mouth, lips, teeth and nose. It is further alleged that when the informant's grand mother came to rescue him, co-accused Karan Paswan, Raushan Kumar and



Bipin Paswan assaulted her by means of butt of *Three Nata* (pistol) as a result of which she sustained injury on her back portion of her head. It is further alleged that some articles of gold worth Rs. 1,50,000/- were looted by co-accused Aditya Paswan from the house of informant's grand mother. It is further alleged that Rs. 22,000/- in cash was snatched by co-accused Bipin Paswan from the pocket of the informant. It is further alleged that during the course of treatment, informant's grand mother died.

4. Learned counsel for the petitioner submits that there is no specific allegation of assault against the petitioner rather the allegation is general and omnibus in nature. He further submits that allegation of assaulting the informant by means of iron rod is against co-accused Pramod Paswan and allegation of assaulting informant's grand mother with butt of *Three Nata* (pistol) is against co-accused Karan Paswan, Raushan Kumar and Bipin Paswan. There is no specific overt-act attributed against the petitioner as petitioner is merely a member of unlawful assembly and tried to enter in the informant's house. Except this, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. Petitioner is innocent and has committed no offence



as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Motihari, East Champaran in connection with Motihari Muffasil P.S. Case No. 174 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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