

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49318 of 2022

Arising Out of PS. Case No.-152 Year-2021 Thana- PHENHARA District- East Champaran

1. Kameshwar Paswan Son of Mahadeo Paswan R/V- Kalu Pakar, Ward No. 3, P.s- Fenhara, Dist- East Champaran
2. Surandra Hazara @ Surendra Paswan Son of Mahendra Paswan R/V- Kalu Pakar, Ward No. 3, P.s- Fenhara, Dist- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Aparna Kumari D/o Satish Chandra Srivastava R/V- Kalu Pakar, P.s- Fenhara, Dist- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Dharmendra Kumar Paswan, Advocate
For the Opposite Party/s	:	Mr.Navin Kumar Pandey, APP
For the informant	:	Mr. Shyama Kant Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 09-01-2023 Heard learned counsel for the petitioners and the State as well as the informant.

The petitioners are apprehending arrest in connection with Fenhara P.S. Case No. 152 of 2021 instituted under sections 447, 448, 323, 379, 354B, 376 and 511/34 of the Indian Penal Code.

As per the informant, the accused persons including the petitioners herein stored her house and assaulted her father as also the other family members and further allegation against Rupesh Paswan is that he entered the room of the informant and tried to outrage her modesty. He further tried to put vermilion



on her forehead. Accordingly, the FIR was lodged.

Learned counsel for the petitioners submit that it is counter blast to the case lodged by them under SC/ST Act with further averment that the injuries as per observation of the learned Sessions Judge has been found to be simple in nature.

Further submission is that none of the petitioner has criminal antecedent and some of the accused persons have since been granted relief vide Cr. Misc. No. 31459 of 2022 on 14.9.2022. Lastly it has been submitted that irrespective of outcome of the present petition, the petitioners would like to give medical assistance of Rs. 10,000/- to the informant.

Learned counsel for the informant submits that the petitioners allegedly entered the house and assaulted the informant side and also tried to outrage the modesty of the informant and in that background, they do not deserve any relief.

Taking into account the fact that the allegation is merely against Rupesh Paswan as he was part of the assault and also entered the room of the informant and attempted to outrage her modesty, the injuries have been found to be simple in nature as observed by the learned Sessions Judge and they do not have any criminal antecedent, this Court is inclined to grant them



relief subject to payment of Rs. 10,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of the concerned court to be handed over to the informant after checking the credential.

Let the petitioners be released on bail subject to payment of Rs. 10,000/- as stated above, in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge-VII-cum-Special Judge, POCSO Act, East Champaran, Motihari, in connection with Fenhara P.S. Case No. 152 of 2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Ravi/Ajay
Singh/-

U		T	
---	--	---	--

