

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57400 of 2023

Arising Out of PS. Case No.-56 Year-2023 Thana- MAHESHKHUNT District- Khagaria

1. O.P. @ Paswan @ Opendra Paswan, Son of Keval Paswan, R/O Vill- Temha Banni, P.S.- Maheshkhunt, Dist- Khagaria
2. Santa Paswan @ Santosh Kumar, Son of Upendra Paswan, R/O Vill- Temha Banni, P.S.- Maheshkhunt, Dist- Khagaria
3. Niraj Paswan @ Niraj Kumar, Son of Upendra Paswan, R/O Vill- Temha Banni, P.S.- Maheshkhunt, Dist- Khagaria
4. Saurav Kumar, Son of Wakil Mandal, R/O Vill- Temha Banni, P.S.- Maheshkhunt, Dist- Khagaria

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Maheshkhunt P.S. Case No. 56 of 2023 registered for the offences punishable under Sections 447, 341, 323, 325, 307, 147, 148, 149, 504 of the Indian Penal Code. They have got no criminal antecedent.

3. As per the prosecution story, on 08.032023 at about 02:30 P.M. when the informant along with other family members was sitting, the FIR named accused persons including these petitioners came at his door and started abusing him.



When he protested, the accused persons assaulted him as well as his villagers.

4. Learned counsel for the petitioners submits that there are general and omnibus allegations against the petitioners. It is submitted that there is a case and counter case between the parties and both the parties had a free fight due to caste rivalry.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the facts and circumstances of the case wherein it is noticed that there is a case and counter case between the parties, the allegations are said to be general and omnibus and it seems that both the parties had a free fight due to caste rivalry and in course of said transaction they have inflicted injuries upon each other which are simple in nature, except one injury of Dayanand Mahto which is not specifically attributed to these petitioners, let the petitioners who have otherwise no criminal antecedent, in case of their arrest or surrender within a period of four weeks from today, be released on bail in connection with Maheshkhunt P.S. Case No. 56 of 2023 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 learned J.M. 1st Class, Khagaria, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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