

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55138 of 2022

Arising Out of PS. Case No.-402 Year-2022 Thana- KAUWAKOL District- Nawada

1. Dharmendra Kumar @ Dharmendra Kumar Paswan @ Dharmendra Paswan Son of Shree Rajendra Paswan Resident of Village- Sarouni, P.S.- Kowakole, District- Nawada
2. Vikram Kumar @ Vikram Paswan Son of Late Damodar Paswan Resident of Village- Sarouni, P.S.- Kowakole, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No2, Advocate
For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 16-02-2023 Heard learned counsel for the petitioners and the learned APP for the State.

Petitioners seek regular bail in connection with Kowakole P.S. Case No. 402 of 2022 registered for the offences punishable under Sections 148, 147, 149, 341, 323, 307, 379/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution, the informant's son and nephew were assaulted by these petitioners and other co-accused persons by means of *Lathi, Danda, Khanti* etc. and they also made air-firing and fired at the informant's son

The main submissions advanced by the learned counsel Mr. Manish Kumar No2 for the petitioners are that total



16 persons, who have been named in the FIR, are alleged to have committed the alleged occurrence of attempt to murder and they were alleged to have assaulted two persons brutally but the injuries found on the person of said two persons are not in such a manner as to support the allegation of brutal assault and both the petitioners have been languishing in jail since 17.07.2022 having fair and clean antecedent and there is also a counter case lodged on behalf of the petitioners' side and there is a land dispute in between both the parties. Further submission is that the alleged occurrence took place due to the said land dispute and the same was not pre-planned and the entire family of the petitioners have been roped in this case.

Learned APP Mr. Narendra Kumar Singh appearing for the State has opposed the bail prayer of both the petitioners and submitted that both the said injured persons sustained grievous injuries which were opined by the doctor concerned to be caused by sharp cut object.

Having considered the seriousness of the occurrence which relates to attempt to murder of two persons committed by both the petitioners and other co-accused persons and there is serious allegation against the petitioners in the FIR and injuries have been found on the person of both the said injured persons



as per the medical opinion, in the opinion of this Court
petitioners do not deserve to the privilege of bail at this stage.
Accordingly, their bail prayer stands rejected.

Both the petitioners may renew their bail prayer after
framing of charge.

(Shailendra Singh, J)

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