

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62982 of 2023

Arising Out of PS. Case No.-232 Year-2023 Thana- OBRA District- Aurangabad

1. Srinath Paswan, aged about – 50 years, male, son of Late Prasad Paswan
 2. Ravi Paswan, aged about – 30 years, male, son of Srinath Paswan
 3. Paran Paswan @ Param Paswan, aged about – 25 years, male, son of Srinath Paswan
 4. Chhotu Paswan aged about – 20 years, male, son of Srinath Paswan
- All are resident of Village- Hardan Bigha, P.S.- Obra, District- Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rupa Kumari, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

3 20-12-2023 Heard Ms. Rupa Kumari, learned counsel appearing on behalf of the petitioners and Mr. Pawan Kumar Chaurasia, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Obra P.S. Case No. 232 of 2023 dated 28.05.2023 registered for the offence punishable under Sections 341, 323, 504, 506, 448, 307/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the petitioners along with other co-accused had assaulted the informant. Specific allegation against petitioner nos. 1 and 2 is that they had assaulted the informant and his wife, who had



sustained head injury and general and omnibus allegation against petitioners no. 3 and 4 and the other co-accused.

4. Learned counsel appearing on behalf of the petitioners submitted that the injury report reveals that the injuries sustained by the informant and his wife are simple in nature, which have not been caused with intention to kill them. So far as petitioners no. 3 and 4 are concerned, allegation is general and omnibus in nature. He further submitted that though the injury is on the vital party of the body of the victim, but the same is not with an intention to kill them. Petitioners have clean antecedent. On these grounds, petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail and submitted that the son of the informant had sustained head injury and allegation is that all the accused persons had assaulted him.

6. Having considered the rival submissions made on behalf of the parties, as well as, allegation made in the FIR, it appears that specific allegation against the petitioner no. 1 is that he had assaulted the informant while petitioner no. 2 had assaulted the wife of the informant. Both of them had sustained head injury and the opinion of the doctor is that the injuries are



simple in nature. General and omnibus allegation has been made against the petitioners no. 3 and 4. Petitioners have clean antecedent. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Aurangabad, in connection with Obra P.S. Case No. 232 of 2023 dated 28.05.2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. **The Court below is directed to verify the criminal antecedent of the petitioners as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners as what has been stated in paragraph no. 3, this order will lose its force automatically.**

(Purnendu Singh, J)

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