

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66285 of 2023

Arising Out of PS. Case No.-101 Year-2023 Thana- BISFI District- Madhubani

1. Mukesh Paswan @ Munna Paswan @ Mukesh Kumar Paswan Son of Sushil Paswan
2. Satish Paswan @ Satish Kumar Paswan Son of Sushil Paswan
3. Umesh Paswan Son of Ram Bilash Paswan
4. Sushil Paswan Son of Lotan Paswan
All R/o vill - Dhepura, Ghat tol, ward no. 5, P.S. - Bisfi, Distt. - Madhubani
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bisfi (Aunsi) P.S. Case No.101 of 2023, F.I.R. dated 04.03.2023 registered for the offence punishable under Sections 341, 323, 354(B), 379, 308, 504/34 of the Indian Penal Code.

3. The prosecution case, in short, is that on 23-02-2023 informant's villagers Mukesh Paswan, Satish Paswan Sushil Paswan, Aparna Umesh Paswan, Anita Devi Devi, Nitu Devi due to previous enmity forming unlawful assembly armed with *lathi*, *danda* and rod to the Aniket who is '*Jaut*' of the informant. When the informant went to rescue she was assaulted



by accused, Mukesh Paswan on her head by *danda* with an intention to kill, as a result of which, she sustained head injury and she fell down and when Aditya Safi came to save her then Mukesh Paswan assaulted him by rod, as result of which he fell down, thereafter, Gotani Radha Devi came to save her she was caught by Sushil Paswan and Kishun Paswan and her blouse was torn, pulled her Sari and dragged her and assaulted her, in the meantime, Satish Paswan took mobile from the pocket of informant's son and Nitu Devi and Anita Devi took golden Mangal Sutra and Aparna Devi snatched gold ear ring of informant all of them went away after giving threatening to implicate in false cases. Thereafter, she was admitted for treatment at Madhubani Sadar Hospital. The villagers advised informant's husband for Panchayati but the accused persons refused to do so. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that petitioner nos.1 and 4 is having one criminal antecedent and petitioner no.2 and 3 have no criminal antecedent and have falsely been implicated in the present case. Further submits that from perusal of the FIR it appears that there is no accusation of any assault or overt act is attributed against the petitioners, rather there is general and omnibus allegation against all the



accused persons including the petitioners and specific allegation is made against petitioner no.1, namely, Mukesh Paswan that he had assaulted on the head of the informant, but injury report of the informant and other injured persons suggests that although they have received the injury but the injuries are simple in nature. Further submits that there is case and counter case between the parties and both sides had received the injuries.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner nos.1 and 4 carries one criminal antecedents other than the present one, but fairly submits on the basis of paragraph-3 of the petition that in that case petitioner nos.1 and 4 are on bail.

6. Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Additional Chief Judicial Magistrate, Benipatti in connection with Bisfi (Aunsi) P.S. Case No.101 of 2023, subject to the conditions as laid down under Section 438(2) of the Code



of Criminal Procedure and with other following conditions:-

(i) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(ii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of their anticipatory bail.

(iii) 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 antecedents, the court below shall take step for cancellation of anticipatory 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.

(Rajesh Kumar Verma, J)

Prakash Narayan

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