

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65231 of 2022

Arising Out of PS. Case No.-345 Year-2022 Thana- SHEKHPURA District- Sheikhpura

1. Kanchan Paswan S/O Vijay Paswan R/O Village- Dewle, P.S and District-Sheikhpura
2. Vijay Paswan S/O Late Kashi Paswan R/O Village- Dewle, P.S and District-Sheikhpura
3. Ajay Paswan S/O Late Kashi Paswan R/O Village- Dewle, P.S and District-Sheikhpura
4. Pratap Raut @ Pratap Kumar S/O Krishnadeo Raut R/O Village- Dewle, P.S and District-Sheikhpura
5. Nivas Raut @ Nivas Kumar S/O Mahesh Raut R/O Village- Dewle, P.S and District-Sheikhpura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Advocate
For the Opposite Party/s : Mr.Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-04-2023 Heard learned counsel for the petitioners and learned counsel for the State.

In this case, the petitioners are apprehending their arrest in connection with Sheikhpura P.S. Case No. 345 of 2022, registered for the offences under Sections 147, 341, 323, 325, 379, 504 and 506 of the Indian Penal Code.

As per prosecution case, the allegation against the petitioners is that they assaulted the informant with lathi-danda and snatched gold chain, cash of Rs.50,000/- and mobile phone



from the informant. The occurrence took place in the background of some earlier dispute between the parties.

Learned counsel for the petitioners submits that the present FIR has been instituted in retaliation of Sheikhpura (Kushumbha O.P.) P.S. Case No. 144 of 2022 lodged by petitioner no. 1 against the present informant and his close relatives. Moreover, from the facts of the FIR, it is clear that there is general and omnibus allegation of assault against all the petitioners and the alleged offences for assault are bailable in nature. The allegation of theft of cash, chain and mobile phone is ornamental and has been levelled to make the case serious.

Learned APP opposes the prayer for anticipatory bail submitting that the petitioners have brutally assaulted the informant causing numbers of injury and this fact has been mentioned in the rejection order of anticipatory bail of the petitioners. Learned APP further submits that it transpires from the impugned order that the witnesses in paragraph 4, 6, 7 & 8 have supported the prosecution case.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of allegation which appears to be a case of simple *marpit* (assault), let the petitioners, above named, in the event of their



arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura/concerned court in connection with Sheikhpura P.S. Case No. 345 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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