

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63533 of 2022

Arising Out of PS. Case No.-69 Year-2022 Thana- KUNDWACHAINPUR District- East
Champaran

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1. TRIBHUWAN PASWAN S/O LATE MAHENDRA PASWAN Resident of village- Araria, P.S.- Kundwa Chainpur, District- East Champaran, (Motihari).
 2. RAJWANSHI PASWAN S/O JAGARNATH PASWAN Resident of village- Araria, P.S.- Kundwa Chainpur, District- East Champaran, (Motihari).
 3. SONA DEVI W/O TRIBHUWAN PASWAN Resident of village- Araria, P.S.- Kundwa Chainpur, District- East Champaran, (Motihari).
 4. BHUSHAN KUMAR @ BHUSHAN PASWAN S/O RAJWANSHI PASWAN Resident of village- Araria, P.S.- Kundwa Chainpur, District- East Champaran, (Motihari).
 5. PRASHANT PASWAN S/O TRIBHUWAN PASWAN Resident of village- Araria, P.S.- Kundwa Chainpur, District- East Champaran, (Motihari).
 6. BASANT KUMAR @ BASANT PASWAN S/O TRIBHUWAN PASWAN Resident of village- Araria, P.S.- Kundwa Chainpur, District- East Champaran, (Motihari).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 65526 of 2022

Arising Out of PS. Case No.-69 Year-2022 Thana- KUNDWACHAINPUR District- East
Champaran

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1. LAKHMAN SAH @ LAKHAN SAH S/O Pargan Sah R/O Village- Arariya, P.S- Kundwa Chainpur, District- East Champaran
 2. Ajay Sah @ Ajay Kumar S/O Lakhman Sah @ Lakhan Sah R/O Village- Arariya, P.S- Kundwa Chainpur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 63533 of 2022)

For the Petitioner/s : Mr. Birendra Kumar

For the Opposite Party/s : Mr. Rajendra Nath Jha

(In CRIMINAL MISCELLANEOUS No. 65526 of 2022)



For the Petitioner/s : Mr. Rakesh Kumar No.1
For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-01-2023 As both these bail applications have cropped up from the same police station case number, hence, with consent of parties, they are being heard together and disposed of by this common order.

Heard the parties.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 447, 341, 323, 324, 307, 354(B), 379, 504, 506 and 34 of the Indian Penal Code.

Allegedly, the petitioners in association with other co-accused persons assaulted the informant and his family members by means of several weapons due to which they sustained injuries.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that the specific allegation is against the petitioners namely, Tribhuvan Paswan and Rajwanshi Paswan to assault the wife of the informant and



the opinion on her injury was kept reserved. He further submits that the injuries are simple in nature. Petitioner nos. 1, 3, 5 and 6 in Cr. Misc. No.63533 of 2022 have one criminal antecedent and the rest of the petitioners have no criminal antecedent, mentioned in para-3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, as there is specific allegation against the petitioners namely, Tribhuwan Paswan and Rajwanshi Paswan, I am not inclined to enlarge them on bail. The prayer for granted on anticipatory bail on their behalf is hereby rejected.

However, the injuries attributed towards the petitioner nos.3, 4, 5 and 6 in Cr. Misc. 63533 of 2022 and the petitioners in Cr. Misc. No.65526 of 2022 are simple in nature, let the above named petitioner nos. 3, 4, 5 and 6 in Cr. Misc No.63533 of 2022 and petitioners in Cr. Misc. No.65526 of 2022, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, 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 the learned court below where the case is



pending/Successor Court in connection with Kundwa Chainpur
P.S. Case No.69 of 2022, subject to the conditions as laid down
under Section 438(2) of the Cr.P.C.

Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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