

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68510 of 2023

Arising Out of PS. Case No.-197 Year-2023 Thana- KHANPURA District- Samastipur

1. Bharat Paswan Son Of Late Tuna Paswan village- Chamarbaddha W.No-5, PS- Khanpur Dist- Samastipur
2. Nand Raja @ Nand Raja Kumar son of Bharat Paswan village- Chamarbaddha W.No-5, PS- Khanpur Dist- Samastipur
3. Arti Devi wife of Ratan Paswan village- Chamarbaddha W.No-5, PS- Khanpur Dist- Samastipur
4. Santosh Paswan son of Late Abhadhi Paswan village- Chamarbaddha W.No-5, PS- Khanpur Dist- Samastipur
5. Sanju Devi wife of Shatrudhan Paswan village- Chamarbaddha W.No-5, PS- Khanpur Dist- Samastipur
6. Raja Paswan @ Raja Kumar son of Bharat Paswan village- Chamarbaddha W.No-5, PS- Khanpur Dist- Samastipur
7. Asharphi Paswan son of Tetar Paswan village- Chamarbaddha W.No-5, PS- Khanpur Dist- Samastipur
8. Rohit paswan son of Late Muni Lal Paswan village- Chamarbaddha W.No-5, Ps- Khanpur Dist- Samastipur

... .. Petitioners

Versus

The State of Bihar Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate

For the Opposite Party/s : Mr. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Khanpur P.S. Case No. 197 of 2023 registered for the offences punishable under Sections 341, 323, 354, 379, 307, 427, 504, 506 and 34 of the Indian Penal



Code. They have got no criminal antecedent.

3. As per the prosecution story, the accused persons named in the FIR having weapons arrived at the house of the informant and they indulged in abuse to the informant. It is alleged that on the order of petitioner no. 1 co-accused Raj Kumar Paswan and others started assaulting the informant and Raj Kumar Paswan assaulted on the head of the informant's son by rod which caused bleeding injury. It is further alleged that the informant brought her son to primary health center for treatment from where he was referred to Sadar Hospital. In the meantime, the accused persons entered in her house and after breaking the box took out four bhar gold ornaments and cash rupees ten thousands.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that petitioners and the informant are next doors neighbour and they have a land dispute and the alleged altercation took place between the parties on the issue of inducting Manoj Roy and his friends in the cricket team. There is case and counter case between the parties and the allegation against the petitioners are general and omnibus in nature.

5. Learned APP for the State has opposed the prayer



for anticipatory bail of the petitioners.

6. Having regard to the facts and circumstances of the case wherein it is submitted that the petitioners and the informant are close doors neighbour, they have a land dispute and the alleged altercation took place between the parties on the issue of inducting Manoj Roy and his friends in the cricket team, there is case and counter case between the parties and so far as the present case is concerned, the specific allegation of causing assault to the son of the informant is against the co-accused, namely Raj Kumar Paswan who is not before this Court in the present application, the allegation against these petitioners are general and omnibus and they have no criminal antecedent, this Court directs that in case of their arrest or surrender within a period of six weeks from today, the petitioners above named be released on bail in connection with Khanpur P.S. Case No. 197 of 2023 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 learned Judicial Magistrate 1st Class, Samastipur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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 antecedent, the court below shall take step for cancellation of 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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