

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70638 of 2023

Arising Out of PS. Case No.-14 Year-2023 Thana- HALSI District- Lakhisarai

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1. CHINTU KUMAR, Son of Upendra Paswan, Resident of Village-Kauthiya, P.S.- Halsi, District- Lakhisarai.
 2. Sachin Kumar, Son of Late Yogendra Paswan, Resident of Village-Kauthiya, P.S.- Halsi, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mayank Bilochan, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 09-11-2023 Heard Mr. Mayank Bilochan, learned counsel appearing on behalf of the petitioners and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Halsi P.S. Case No. 14 of 2023 registered for the offences punishable under Sections 147, 148, 149, 341, 302, 504 of the Indian Penal Code.

3. While the son of the informant was going to Kaindi Bazar, co-accused Satendra Paswan, Bhagirath Paswan and Hareram Paswan intercepted him and threatened with dire consequences. Thereafter co-accused Satendra Paswan assaulted



the son of the informant by means of *Khanti* over his head, due to which he sustained serious injuries and subsequently succumbed to the injuries. It is also alleged that the other accused persons, including the petitioners, also assaulted the son of the informant by means of *Lathi, Danda and Bricks*.

4. It is submitted on behalf of the petitioners that the deceased was specifically assaulted by means of *Khanti*, which allegation is attributed to co-accused Satendra Paswan. So far the petitioners and others are concerned, there is general and omnibus allegation and moreover the post-mortem report does not corroborate the allegation of assault by means of Lathi, Danda and bricks, as no such injury has been found over the body of the deceased. He further submits that considering the aforesaid facts, the learned coordinate Bench of this Court has allowed the privilege of anticipatory bail to one of the co-accused, namely, Hare Ram Paswan, who is having identical allegation. He next submits that the petitioners are men of fair antecedent and they undertake that they will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned APP for the State opposes the bail application.

6. Regard being had to the submissions made on



behalf of the parties and considering the omnibus nature of allegation and the fact that co-accused, having identical allegation, has been allowed the privilege of anticipatory bail, coupled with the post-mortem report and their fair antecedent, let the petitioners, named above, in the event of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Lakhisarai in connection with Halsi P.S. Case No. 14 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioners.

(Harish Kumar, J)

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