

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71395 of 2023

Arising Out of PS. Case No.-197 Year-2023 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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1. NANDLAL PASWAN Son of late Sheo Narayan Paswan R/o vill - Gobarachh, P.s. - Bhagwanpur, Distt. - Kaimur (Bhabua)
 2. LALLAN PASWAN Son of Late Sheo Narayan Paswan R/o vill - Gobarachh, P.s. - Bhagwanpur, Distt. - Kaimur (Bhabua)
 3. RAJU PASWAN Son of Lallan Paswan R/o vill - Gobarachh, P.s. - Bhagwanpur, Distt. - Kaimur (Bhabua)
 4. SUNITA DEVI Wife of Raju Paswan R/o vill - Gobarachh, P.s. - Bhagwanpur, Distt. - Kaimur (Bhabua)
 5. DATA PASWAN Son of Lallan Paswan R/o vill - Gobarachh, P.s. - Bhagwanpur, Distt. - Kaimur (Bhabua)
 6. TEJA DEVI Wife of Data Paswan R/o vill - Gobarachh, P.s. - Bhagwanpur, Distt. - Kaimur (Bhabua)
 7. RAJESH PASWAN Son of Lallan Paswan R/o vill - Gobarachh, P.s. - Bhagwanpur, Distt. - Kaimur (Bhabua)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rajesh Kumar Pathak, Advocate
For the Opposite Party/s	:	Mr.Raj Kishor Singh, APP
For the informant	:	Ms. Kiran Kumari Sharma, Advocate
		Mr. Anupam Bahadur, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-11-2023 Heard Mr. Rajesh Kumar Pathak, learned counsel appearing on behalf of the petitioners; Mr. Raj Kishor Singh learned APP for the State and Ms. Kiran Kumari Sharma, along with Mr. Anupam Bahadur, learned counsels for the informant.

2. The petitioners seek pre-arrest bail in connection with Bhagwanpur P.S. Case No. 197 of 2023 dated 07.07.2023



registered for the offence(s) punishable under Sections 341, 323, 325, 354(B), 452, 307, 379, 504, 506/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the petitioners entered into the house of the informant and thereafter they abused and assaulted the informant, his wife, his brother and son by means of lathi, iron rod, brick and iron pipe, as a result of which they sustained injuries on their heads and other parts of the body. Further allegation is that the accused persons had also snatched cash and jewellery from the family members of the informant. There is specific allegation against Data Paswan (petitioner no.5) that he had assaulted the wife and brother of the informant by means of rod on their heads.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have been falsely implicated in this case. It is further submitted that there is case and counter case in between the parties and petitioners might have caused injuries to the informant and his family members in fierce fight in their self-defence. It is further submitted that there is general and omnibus allegation against all the petitioners except petitioner no.5, against whom the allegation is of assaulting the wife and brother of the informant



by means of rod, as a result of which, they sustained injuries and doctor has opined that the injuries appear to be simple but if he obtains injury reports and prescription from higher centre, his opinion with regard to said injury will change.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the aforesaid submissions made on behalf of parties, the petitioner nos.1, 2, 3, 4, 6 and 7, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-V, Kaimur at Bhabua in connection with Bhagwanpur P.S. Case No. 197 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. So far as petitioner no. 5, namely, Data Paswan is concerned, the District Court is directed to call for the opinion of the specialized doctor with regard to the injuries sustained by the wife and brother of the informant.

8. The District court must not delay in obtaining the opinion of specialized doctor in any manner beyond the period



which has been granted by this Court for surrender.

9. If it is found that the injury is simple in nature, the petitioner no.5 is also directed to be released on bail on the terms and conditions as the court below deems it fit and proper, or in case, petitioner no.5 surrenders before the District Court not beyond the period of four weeks, an appropriate order will be passed considering the allegation made by the informant.

10. With the aforesaid observation/direction, the application stands disposed of.

(Purnendu Singh, J)

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