

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3478 of 2023

Arising Out of PS. Case No.-402 Year-2022 Thana- KAUWAKOL District- Nawada

1. MUKESH KUMAR @ MUKESH PASWAN Son of Barhan Paswan @ Suresh Paswan R/v- Sarouni, P.S.- Kawakole, District- Nawada
2. ROHIT KUMAR PASWAN @ ROHIT PASWAN @ ROHIT KUMAR Son of Jitendra Paswan R/v- Sarouni, P.S.- Kawakole, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 28-03-2023 After some argument, learned counsel for the petitioners seeks permission to withdraw this anticipatory bail petition so far as petitioner no. 2 Rohit Kumar Paswan is concerned.

Permission is accorded. The anticipatory bail petition, in respect of petitioner no. 2, stands dismissed as withdrawn.

Sole petitioner (i.e. petitioner no. 1) apprehends his arrest in a case registered for the offence under Section 307 & other allied sections of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, on 17.07.2022 at about



6:00 PM, while the son and *bhagina* (nephew) of informant were going to plough the field by tractor, all the F.I.R. named accused persons including this petitioner, variously armed, attacked on them, due to which, both of them sustained injuries. So far as this petitioner (Mukesh Kumar @ Mukesh Paswan) is concerned, he alongwith three other co-accused persons are alleged to have assaulted nephew of the informant with *lathi* and *danda*.

It is submitted on behalf of petitioner that there is no specific allegation of assault against this petitioner and he has been falsely implicated in this case due to caste politics. Though, as per F.I.R., petitioner assaulted nephew of informant with *lathi*, but the injury has been found to be simple in nature. Petitioner has got clean antecedent.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail.

Considering the aforesaid facts and circumstances, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Nawada in connection with Kawakole P.S. Case



No. 402 of 2022, subject to condition as laid down under
Section 438(2) of the Code of Criminal Procedure.

This application is, accordingly, disposed of.

(Prabhat Kumar Singh, J)

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