

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6371 of 2024

Arising Out of PS. Case No.-191 Year-2023 Thana- KHODAWANDPUR District- Begusarai

1. Naresh Paswan Son of Bauku Paswan, R/o vill - Shahpur, P.S. - Khodawandpur (Chhorahi O.P.), Distt. - Begusarai
2. Ajay Paswan @ Jai Paswan Son of Bauku Paswan, R/o vill - Shahpur, P.S. - Khodawandpur (Chhorahi O.P.), Distt. - Begusarai
3. Rambahadur Paswan Son of Visheshwar Paswan, R/o vill - Shahpur, P.S. - Khodawandpur (Chhorahi O.P.), Distt. - Begusarai
4. Dilip Paswan Son of Jugal Paswan, R/o vill - Shahpur, P.S. - Khodawandpur (Chhorahi O.P.), Distt. - Begusarai
5. Satish Kumar @ Raj Kumar @ Satish Paswan Son of Umesh Paswan, R/o vill - Shahpur, P.S. - Khodawandpur (Chhorahi O.P.), Distt. - Begusarai
6. Nitish Paswan Son of Umesh Paswan, R/o vill - Shahpur, P.S. - Khodawandpur (Chhorahi O.P.), Distt. - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 17-02-2024 Heard Ld. counsel for the petitioners and Ld. APP for
the State.

2. The petitioners apprehend their arrest, in connection with Khodawandpur (Chhorahi O.P.) P.S. Case No. 191 of 2023 dated 28.06.2023, registered for the offences punishable under Sections 341, 323, 307, 337 and 379/34 of the Indian Penal Code.

3. The prosecution case, in brief, is that the petitioners



along with two others named co-accused persons came into the house of the informant with *lathi*, *danda*, *rod* and pistol and started abusing. On protest being made, one person namely, Umesh Paswan with intention to kill, hit by iron rod on the head of Laxmi Kumar, son of the informant and Bablu Paswan also hit by iron rod on the head of Ram Binod Paswan, another son of the informant. Consequently, both sons of the informant got injured and bleeding. The other family members of informant were also assaulted by accused persons.

4. Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that there is case and counter case. The accused side have also lodged Khodawandpur (Chhorahi O.P.) P.S. case No. 192 of 2023, under Sections 341, 323, 307, 504, 302 read with Section 34 of the I.P.C. He further submits that even as per the F.I.R., the petitioners are only part of unlawful assembly and the main assailants are not the petitioners herein. He further submits that one petitioner, namely, Dilip Paswan has one criminal antecedent but he is on bail.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.



6. However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

7. Considering the aforesaid facts and circumstances, this application is allowed, directing the petitioners, above-named, to be enlarged on bail in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Sub-Divisional Judicial Magistrate, Manjhaul, Begusarai, in connection with Khodawandpur (Chhorahi O.P.) P.S. Case No. 191 of 2023, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have given wrong statement regarding their criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong,



Ld. court below shall cancel the bail bond of the petitioners.

8. Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J.)

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