

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6869 of 2024

Arising Out of PS. Case No.-227 Year-2022 Thana- CHAUTHAM District- Khagaria

Amed Paswan @ Amod Paswan, Son of Chandeshwar Paswan, Resident of
Village-Mohanpur (Thana tol), P.S.-Chautham, Distt.-Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 7046 of 2024

Arising Out of PS. Case No.-227 Year-2022 Thana- CHAUTHAM District- Khagaria

Rahul Paswan, S/O- Chandeshwar Paswan, R/O- Village- Mohanpur (Thana
Tol), P.S.- Chautham, Dist.- Khagaria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 6869 of 2024)

For the Petitioner/s : Mr.Budhilal Yadav, Advocate

For the Opposite Party/s : Mr.Bharat Bhushan, APP

(In CRIMINAL MISCELLANEOUS No. 7046 of 2024)

For the Petitioner/s : Mr.Budhilal Yadav, Advocate

For the Opposite Party/s : Mr.Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-02-2024 Since both the petitions arise out of Chautham

P.S.Case No. 227 of 2022, as such, they have been taken up

together and are being disposed of by this common order.

2. Heard learned counsel for the petitioners and
learned APP for the State.

3. In the present cases, the petitioners are



apprehending their arrest in connection with Chautham P.S. Case No. 227 of 2022 registered for the alleged offences under Sections 147, 148, 149, 341, 323, 307, 354(B), 379, 385, 504 and 506 of the Indian Penal Code.

4. As per prosecution case, the petitioners along with other co-accused persons, who were armed with country made pistol, iron road and *lathi*, entered into the courtyard of the informant and assaulted the husband of the informant. When the informant intervened, she was also assaulted. They also took away cash, ornaments and some clothes from the house of the informant.

5. The learned counsel for the petitioners submits that the petitioners have been falsely implicated in this case in the background of earlier land dispute between the parties as sister-in-law of the petitioners lodged Chautham P.S. Case No.116 of 2020 against against the husband other family members of the informant of the present case. Both the parties are agnates. There is no specific allegation against the petitioners and the allegation of assault over husband of the informant is against one Rambhu Paswan and not against the petitioners. Moreover, the injury on the husband of the informant was found quite simple. The allegation against the petitioner Amed Paswan @



Amod Paswan is using fists and slaps, whereas, there is no specific allegation against the petitioner Rahul Paswan. From the facts of the FIR, it is apparent that there is no attempt on the life of any person and, as such, no case under Section 307 IPC is made out out. The allegation for offence under Section 354(B), 379 and 385 IPC is merely super addition. Both the petitioners have got criminal antecedent of one case lodged by husband of the present informant in which they are on bail.

6. Learned APP vehemently opposes the submissions made on behalf of the petitioners.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the general nature of allegation against the petitioners without any substantive material and further considering the land dispute between the parties and also considering the possibility of false implication, let the petitioners, above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Khagaria, in connection with Chautham P.S. Case No. 227 of 2022, subject to the



conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

V.K.Pandey/-

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