

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9938 of 2024

Arising Out of PS. Case No.-387 Year-2023 Thana- DARBHANGA SADAR District-
Darbhanga

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1. Santosh Paswan Son of Gyanchan Paswan @ Gyanchandra Paswan Resident of Village-Dhaighat, P.S.-Sadar, Distt-Darbhangha
 2. Lalu Paswan @ Lalu Kumar Paswan Son of Gyanchan Paswan @ Gyanchandra Paswan Resident of Village-Dhaighat, P.S.-Sadar, Distt-Darbhangha

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Das
For the Opposite Party/s : Mr. Rajiv Nayan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-02-2024 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. Learned counsel for the petitioners seeks
permission to withdraw the present anticipatory bail application
with respect to petitioner no. 1.

3. Permission is accorded.

**4. Accordingly, the present anticipatory bail
application is dismissed as withdrawn with respect to
petitioner no. 1.**

5. The petitioner no. 2 apprehends his arrest in
connection with Sadar P.S. Case No. 387 of 2023 registered for
the offences punishable under Sections 448, 504, 323, 324, 307,



506 and 34 of the Indian Penal Code.

6. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case, it is next submitted that petitioner is a person with clean antecedent and the informant alleges that petitioner along with accused persons assaulted the informant with *farsa* causing injury on head. It is further submitted that when brother of the informant came to save him, the accused persons also assaulted him and other family members including the son of the informant who was also injured. It is next submitted that petitioner and the informant are related and are having dispute relating to land, as such, the informant falsely implicated him.

7. The learned APP for the State opposes the prayer for anticipatory bail of the petitioner and submits that there is specific allegation against Lalu Paswan of assaulting Mukesh Paswan causing injury on his face.

8. On query of the Court with regard to the nature of injury, the learned counsel for the petitioner fairly submits that Mukesh received grievous injury on his face. It is also submitted that there is a delay of 6 days in instituting the FIR.

9. The learned APP for the State, at this stage, submits that delay of six days is not fatal, but then as submitted by the



learned counsel for the petitioner, the injury suffered by the injured is grievous in nature, it is also submitted that even if the occurrence took place on account of dispute relating to land, in that event the force used from the side of the petitioner was much in excess.

10. Considering the submission made by the learned APP for the State, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner no. 2 Lalu Paswan @ Lalu Kumar Paswan.

11. Accordingly, the present anticipatory bail application stands rejected with respect to petitioner no. 2.

(Satyavrat Verma, J)

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