

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8560 of 2024

Arising Out of PS. Case No.-183 Year-2020 Thana- PARAIYA District- Gaya

Abhijeet Paswan @ Abhijeet Kumar S/o Ramashish Paswan Resident of
Village-Uprauhuli, P.S.-Paraiya, District-Gaya, Bihar-824209

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saket Anand, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 3 17-05-2024 1. Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.
2. The accused/petitioner is named in the F.I.R. and apprehending his arrest in connection with Paraiya P.S. Case No. 183 of 2020 registered for the offences punishable under Sections 447, 341, 323, 308 and 34 of the Indian Penal Code (in short IPC) and further Section 302 of the IPC was added.
3. As per prosecution, in brief, that all the accused persons named in FIR had assaulted the informant and his family members by means of *bhala*, rod etc. due to which they sustained injuries.
4. Learned counsel appearing on behalf of the petitioner submitted that as per narration of the FIR, initially



specific allegation was raised against co-accused persons namely Ramashish Paswan, Ramadhar Paswan and Srikant Paswan, subsequently allegation regarding collective assault was raised against eight accused persons to assault the uncle of informant namely Indradeo Paswan. It is pointed out that in this occurrence brother of informant namely Jitendar Paswan died and from the bare perusal of FIR, it appears that no allegation of physical assault, *qua*, Jitendar Paswan is available. It is further submitted that similarly situated co-accused person namely Parnay Paswan @ Pranay Kumar has already granted bail by learned Co-ordinate Bench of this Court through Cr. Misc. No. 25437 of 2023 vide order dated 07.07.2023. While concluding the argument it is submitted that petitioner is a man of clean antecedent.

5. Learned APP appearing on behalf of the State, opposes the prayer for bail.

6. In view of the facts and circumstances as mentioned above and by taking note of the fact, as allegation against petitioner is very much general and omnibus in nature, where allegation of physical assault is not available for the deceased Jitendar Paswan brother of informant as per narration of FIR, accordingly the petitioner above named, in the event of



his arrest or surrender before the learned Court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, First Class, Gaya/concerned Court where the case is pending in connection with Paraiya P.S. Case No. 183 of 2020 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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