

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12208 of 2024

Arising Out of PS. Case No.-289 Year-2023 Thana- SARAI District- Vaishali

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1. Chhote Lal Paswan Son of Dev lal Paswan Resident of vill.-Maricha Mohammadabad, P.S.-Sarai, Distt.-Vaishali
 2. Tuku Paswan @ Arunoday lal Son of Chhote Lal Paswan Resident of vill.-Maricha Mohammadabad, P.S.-Sarai, Distt.-Vaishali
 3. Tunnu Paswan @ Adwitya Son of chhote Lal Paswan Resident of vill.-Maricha Mohammadabad, P.S.-Sarai, Distt.-Vaishali
 4. Nitesh Paswan @ Harsh Raj Son of Gajendra Paswan Resident of vill.-Maricha Mohammadabad, P.S.-Sarai, Distt.-Vaishali
 5. Rohit Paswan @ Lorik Kumar @ Lorik Paswan Son of Sanjay Paswan @ Bijay Paswan Resident of vill.-Maricha Mohammadabad, P.S.-Sarai, Distt.-Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Sudha Ambastha
For the Opposite Party/s : Mr.Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 12-03-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Sarai Police Station Case No. 289 of 2023, dated 02.11.2023, disclosing offences punishable under Sections 147/148/149/324/326/504/506 of the Indian Penal Code and Sections 3/4 of the Explosive Substances Act.
3. The prosecution case, as per the First Information Report, is that in the evening of 18.10.2023, while the informant, along with his wife, was sitting at his door, all the accused



persons, including the petitioners, arrived there and demanded clothes on credit and upon refusal by the wife of the informant, they started abusing and the petitioner no. 2 assaulted the informant by means of knife on his neck, causing injuries on his neck and left hand. When the wife of the informant intervened, the petitioner no. 4 assaulted on her back by means of iron rod. While fleeing away, the accused persons also hurled bombs.

4. Learned Counsel for the petitioners submits that both the parties are co-villagers and there is previous enmity between them inasmuch as Sarai Police Station Case No. 245 of 2022 was lodged by the informant against the petitioner nos. 1, 2 and 3. She further submits that no case, under Sections 3/4 of the Explosive Substances Act, is made out as the police, during the course of investigation, has not found any sign of explosion of bomb. She further submits that all the sections are bailable except Sections 324/326 of the Indian Penal Code. The petitioner no. 1 is aged about 67 years and is a school teacher. The parties have compromised the case and a joint compromise petitioner has been filed before learned 16th Additional Chief Judicial Magistrate,



Vaishali, at Hajipur, as would be evident from Annexure 3.

5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the submissions and the nature of allegation and the fact that both the parties are co-villagers, there is previous enmity between the parties and joint compromise petitioner has been filed before the learned District Court, I am inclined to grant the petitioners privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioners, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released 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 Chief Judicial Magistrate, Vaishali, at Hajipur, in connection with Sarai Police Station Case No. 289 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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