

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.18708 of 2024**

Arising Out of PS. Case No.-496 Year-2022 Thana- HARSIDHI District- East Champaran

1. Bhola Paswn @ Kamleshwar Paswan S/o Ramchandra Paswan R/o Village- Bhada, P.S.- Harsidhi, Dist.- East Champaran
2. Nagina Paswan S/o Ramrit Paswan R/o Village- Bhada, P.S.- Harsidhi, Dist.- East Champaran
3. Umesh Paswan S/o Ramrit Paswan R/o Village- Bhada, P.S.- Harsidhi, Dist.- East Champaran
4. Manoj Paswan S/o Shamdeo Paswan R/o Village- Bhada, P.S.- Harsidhi, Dist.- East Champaran
5. Ramrit Paswan@ Ramjit paswan S/o Late Shivdhari Paswan R/o Village- Bhada, P.S.- Harsidhi, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Dhannjay Kumar, Advocate  
For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA**  
**ORAL ORDER**

2      29-03-2024                      Heard learned counsel for the petitioners and learned  
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Harsidhi P.S. Case No. 496 of 2022 dated 09.10.2022 instituted for the offence punishable under Sections 147, 149, 341, 323, 307, 447, 448, 354(B), 506 of the Indian Penal Code.

3. The prosecution case, in short, is that on the alleged date of occurrence, the petitioners along with other accused persons came to the house of the informant and started abusing.



Thereafter, petitioner no. 3, with an intention to commit murder, gave iron rod blow on the head of the informant, which caused injury. When the younger brother of the informant came to save the informant, petitioner no. 1, with an intention to commit murder, wrapped napkin (gamcha) around his neck. Petitioner no. 5 gave iron rod blow on the head of younger brother of the informant. During assault, petitioner no. 4 snatched gold chain from the sister of the informant and petitioner no. 2 tore the clothes of sister of informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that the informant and the petitioners are co-villagers. Learned counsel for the petitioners submits that also, a counter case bearing Harsidhi P.S. Case No. 497 of 2022 has been lodged by the wife of petitioner, namely, Kamleshwar Paswan against the informant and his family members for assault. Learned counsel for the petitioners submits that as per the F.I.R., there is specific allegation against the petitioners, but the injury report are not available on record. The petitioners' side tried their best to get injury report but they did not find the same, which shows the allegation levelled against the petitioners is false. Learned counsel for the petitioners draws



the attention of this Court with regard to the case diary and criminal antecedents of the petitioners, and submits that the lower court has specifically recorded that sufficient time was given to the learned Public Prosecutor to produce the case diary and criminal antecedent, but till date he did not produce the same. Lastly, it has been submitted that petitioners have no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Harsidhi P.S. Case No. 496 of 2022, they will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Motihari, East Champaran at Motihari subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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