

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28002 of 2024

Arising Out of PS. Case No.-706 Year-2023 Thana- BELAGANJ District- Gaya

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1. Manu Paswan, Son of Late Ram Swarup Paswan Resident of Village- Dariyapur, P.S.- Belaganj, Dist.- Gaya
 2. Raushan Kumar @ Raushan Paswan, Son of Ram Jee Paswan Resident of Village- Dariyapur, P.S.- Belaganj, Dist.-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh, Advocate
For the Opposite Party/s : Mr.J.N. Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 20-08-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. This is an application for regular bail on behalf of the petitioners for the offences alleged under Sections 147, 148, 149, 307, 302, 504, 506 and 386 of the Indian Penal Code, registered in connection with Belaganj P.S. Case No. 706 of 2023.

3. As per F.I.R., the informant was working as a mason and he was constructing the boundary wall of the school. The accused persons prohibited him from constructing the boundary wall. Despite asking of the accused persons to refrain from constructing the boundary wall, the informant continued



the construction work. It has further been mentioned in the F.I.R. that 10 named accused persons including the petitioners forcibly entered into the house of the informant and they badly assaulted the informant and his wife and sons Saurabh Kumar, Gaurab Kumar and Akash Kumar and also his daughter Shivani Kumari. Co-accused Ramji Paswan inflicted iron rod blow on Saurabh Kumar (deceased). Saurabh Kumar became unconscious and fell down on the ground. Co-accused Laxhman Paswan assaulted with sabbal on the head of the informant and made him injured. The petitioner Raushan Kumar pointed pistol and he assaulted Sonia Devi, wife of the informant with iron rod who suffered injuries in her head. Co-accused Niraj Paswan, Manu Paswan (petitioner), Runti Devi, Pandav Paswan and Ranjeet Yadav along with Gorilla Devi and Rani Devi, they all assaulted Gaurav Kumar and Akash Kumar and also Shivani Kumari. All the injured were referred to the hospital where Saurabh Kumar died in course of treatment.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The allegation against them is general and omnibus. His further submission is that none of the petitioners had assaulted the deceased. The allegation against



petitioner no.1 is that he inflicted iron rod blows on the head of wife of the informant.

5. On the other hand, Mr. J.N. Thakur, learned APP for the State has opposed the prayer of Bail by submitting that all the accused persons badly assaulted the informant and his family members resulting into death of one of his family members. The reason for brutal assault was that the informant was working as mason in construction of the boundary wall for the wages. Further submission is that both the petitioners have criminal antecedents which was not disclosed in paragraph no. 3 of the bail petition but later on it was supplemented by a supplementary affidavit.

6. Considering the above-mentioned facts and circumstances of the case and criminal antecedent of the petitioners, this court is not inclined to enlarge the petitioners on bail and, as such, their prayer for bail stands rejected.

(Nawneet Kumar Pandey, J)

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