

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29113 of 2024

Arising Out of PS. Case No.-109 Year-2023 Thana- BHAIKAVSHTHAN District-
Madhubani

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1. Baidya Nath Paswan, male, aged about 48 years, S/o Horil Paswan,
 2. Krishna Kumar, male, aged about 19 years, S/o Baidya Nath Paswan,
Both R/o village- Raiyam, P.S.- Bhairab Asthan, Distt.- Madhubani
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivesh Singh, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 31-07-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with
Bhairab Asthan PS Case No.109 of 2023 dated 12.08.2023,
instituted under Sections 341, 323, 324, 325, 307, 354-B, 379,
504/34 of the Indian Penal Code.

3. The allegation against the petitioners is that
petitioner no.1 assaulted the son of the informant by means of
farsa which he caught from his hand as a result of which he
sustained injury in his hand and the petitioner no.2 is alleged to
have assaulted the son of the informant by means of *lathi* on his
hand due to which he sustained fracture injury in his right hand.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and have been falsely implicated in this case. It is further submitted that the date of occurrence is 10.08.2023 and the present case has been lodged on 12.08.2023 with delay of two days without any plausible explanation for such delay. Learned counsel further submits that the wife of the petitioner no. 1 has lodged Bhairav Asthan PS Case No.106 of 2023 against informant's side. Another FIR bearing Bhairav Asthan PS Case No.107 of 2023 has been lodged by one Leela Devi, wife of Hira Lal Paswan, against the informant and his family members. Further submission is that from the injury report of the injured, it would appear that they had sustained only simple injury. Lastly, it is submitted that three criminal cases are pending against the petitioner no.1, while petitioner no.2 has clean antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners 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 ACJM, 1st, Jhanjharpur, in Bhairab Asthan PS Case



No.109 of 2023, subject to the conditions laid down in Section
438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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