

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28873 of 2024

Arising Out of PS. Case No.-849 Year-2023 Thana- BARACHATTI District- Gaya

1. Chandershekhar Paswan @ Shekhar Paswan son of Ramprit Paswan Village- Dahowar Ps- Mohanpur Dist- Gaya
2. Sintoo Paswan @ Santu Paswan son of Ramprit Paswan Village- Dahowar Ps- Mohanpur Dist- Gaya
3. Manu Paswan @ Manu Kumar Son of Ramprit Paswan Village- Dahowar Ps- Mohanpur Dist- Gaya
4. Singar Paswan @ Sheringar Paswan son of Late Chandrika Paswan Village- Dahowar Ps- Mohanpur Dist- Gaya
5. Shanker Paswan @ Shankar Paswan son of Late Chandrika Paswan Village- Dahowar Ps- Mohanpur Dist- Gaya
6. Sumit Paswan @ Sumit Kumar son of Singar Paswan @ Sheringar Paswan Village- Dahowar Ps- Mohanpur Dist- Gaya
7. Danee Paswan son of Late Ramjanam Paswan Village- Dahowar Ps- Mohanpur Dist- Gaya
8. Sunaina Devi wife of Ramprit Paswan Village- Dahowar Ps- Mohanpur Dist- Gaya
9. Tuntun Paswan @ Shailesh Paswan son of Shivnandan Paswan Village- Bela Ps- Barachatti Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 15-05-2024 Heard learned Counsel for the petitioners and

learned APP for the State.

2. The petitioners apprehend their arrest in connection

with Barachatti (Mohanpur) P.S. Case No. 849 of 2023 for the

offence registered under sections 147, 149, 341, 323, 379, 504,



506, 354 and 307 of the Indian Penal Code lodged on 07.09.2023 by the informant, Guddu Paswan.

3. As per the prosecution story, the informant alleged that the accused persons armed variously came and assaulted the family members, causing injuries from head to hand as also the legs. Specific allegation is against Chandrashekhar Paswan @ Shekhar Paswan (petitioner no. 1) of assaulting Guddu by *garasa*, causing injury on the head. Again, Manu Paswan @ Manu Kumar (petitioner no. 3) assaulted Anoj, causing injury in his right hand. So far as Singar Paswan @ Sheringar Paswan (petitioner no. 4) is concerned, he assaulted on the head by rod to Sunil and further allegation against Sumit Paswan @ Sunil Kumar (petitioner no. 6) is of assaulting Rakhi Kumari which caused injury on her mouth and teeth was broken. Accordingly, the F.I.R.

4. Learned Counsel for the petitioners submit that though allegation of assault is on the petitioners, the injuries have been found to be simple in nature.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that a bare perusal of the Injury Report would show that the same has been prepared by the Medical Officer in a routine manner *inasmuch*



as all the Injury Report seems to be same despite the fact that in some cases, he was examining the head in other the knee joint while in further other the hand. He submits that CT scan was recommended so far as the Gariwan Paswan is concerned. In case of Guddu Kumar also, the C.T. scan was recommended. In the case of Sudhir Paswan, the X-Ray of right joint knees were made and in that background, so far as the petitioner nos. 1, 3, 4 and 6 are concerned, they have specific allegation under their belt.

6. Taking into account the aforesaid submissions put forward by the parties as also the allegation that has come against petitioner no. 1 (Chandershekar Paswan @ Shekhar Paswan), petitioner no. 3 (Manu Paswan @ Santu Paswan), petitioner no. 4 (Singar Paswan @ Sheringar Paswan) and petitioner no. 6 (Sumit Paswan @ Sumit Kumar), their anticipatory bail application stands rejected.

7. So far as the other petitioners namely, Sintoo Paswan @ Santu Paswan (petitioner no. 2), Shanker Paswan @ Shankar Paswan (petitioner no. 5), Danee Paswan (petitioner no. 7), Sunaina Devi (petitioner no. 8) and Tuntun Paswan @ Shailesh Paswan (petitioner no. 9) are concerned, omnibus allegation is there against him, they do not have criminal



antecedent, this Court is inclined to extend them privilege of anticipatory bail.

8. Let the petitioner nos. 2, 5 and 7 to 9 in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate II, Sherghati (Gaya) in connection with Barachatti (Mohanpur) P.S. Case No. 849 of 2023, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner nos. 2, 5 and 7 to 9, who shall provide official document to show their *bona fide*;

(ii) the petitioner nos. 2, 5 and 7 to 9 shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioner nos. 2, 5 and 7 to 9 shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;



(iv) the petitioner nos. 2, 5 and 7 to 9 shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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