

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30409 of 2024

Arising Out of PS. Case No.-43 Year-2023 Thana- BAHERA District- Darbhanga

1. Palat Paswan son of Jagdish Paswan Resident of Village- Mahinam, P.S.- Bahera, District- Darbhanga
2. Raja Paswan @ Raja Kumar Son of Palat Paswan Resident of Village- Mahinam, P.S.- Bahera, District- Darbhanga
3. Asha Devi Wife of Palat Paswan Resident of Village- Mahinam, P.S.- Bahera, District- Darbhanga
4. Shobha Devi D/o Palat Paswan Resident of Village- Mahinam, P.S.- Bahera, District- Darbhanga
5. Shikha Kumari D/o Palat Paswan Resident of Village- Mahinam, P.S.- Bahera, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisu Zzoha
For the Opposite Party/s : Mr.Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 27-06-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offence under Sections 147, 341, 323, 308, 354(B), 379, 448, 504, 506 of the Indian Penal Code.

3. As per the prosecution case, on 20.01.2023 at 8:00 AM, while the informant was in his courtyard, the petitioners who are named in the F.I.R. alongwith 5 unknown persons, variously armed, came there and on the order of Asha Devi



(petitioner no. 3), Palat Paswan (petitioner no. 1) gave *farsa* blow to the informant and caused injury on his head and cheek. Thereafter, petitioner no. 2 (Raja Paswan) assaulted by *bhala* on the right leg of informant's father. Petitioner no. 2 also disrobed wife of informant and petitioner no. 4 (Shobha Devi) snatched gold *Mangalsutra* from the neck of informant's wife.

4. It is submitted on behalf of petitioners that due to quarrel between children of both parties, a scuffle took place, in which, both sides sustained injury. There is case and counter case. There is no specific allegation of assault against petitioner no. 3 to 5, who are ladies.

5. Learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail and submits that there is specific allegation of assault against petitioner no. 1 & 2 and the injury caused to informant is grievous in nature.

6. Considering the same, the prayer for anticipatory bail of petitioner no. 1 (Palat Paswan) and petitioner no. 2 (Raja Paswan) is rejected.

7. However, since petitioner no. 3 (Asha Devi), petitioner no. 4 (Shobha Devi) and petitioner no. 5 (Shikha Kumari) are ladies and there is no specific allegation of assault against them, in the event of their arrest/surrender within a



period of six weeks from today, they are directed to be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate 1st Benipur at Darbhanga in connection with Bahera P.S. Case No. 43 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

8. This application is, accordingly, disposed of.

(Prabhat Kumar Singh, J)

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