

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35676 of 2024

Arising Out of PS. Case No.-535 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Ashok Paswan S/o Late Mangal Paswan R/o vill - Godhawa (Agarwa Basmanpur), P.S. - Muffasil Motihari, Distt. - East Champaran
 2. Rajmati Kuwer W/o Late Mangal Paswan R/o vill - Godhawa (Agarwa Basmanpur), P.S. - Muffasil Motihari, Distt. - East Champaran
 3. Shambhu Paswan S/o Late Ramchandra Paswan R/o vill - Godhawa (Agarwa Basmanpur), P.S. - Muffasil Motihari, Distt. - East Champaran
 4. Brijesh Paswan S/o Ramashreya Paswan R/o vill - Godhawa (Agarwa Basmanpur), P.S. - Muffasil Motihari, Distt. - East Champaran
 5. Pawan Paswan @ Pawan Kumar S/o Jokhu Paswan R/o vill - Godhawa (Agarwa Basmanpur), P.S. - Muffasil Motihari, Distt. - East Champaran

... .. Petitioners

Versus

The State of Bihar Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Sanjay Kumar Tiwari, Advocate
For the Opposite Party : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 11-06-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Mufassil P.S. Case No. 535 of 2023, registered on 27.07.2023 for the offences under Sections 147, 149, 341, 323, 307, 379, 447, 504 and 506 of the Indian Penal Code.

3. As per the prosecution case the petitioners along with other co-accused persons who were armed with *lathi*, *Bhala* and iron rod came to the doors of the informant and started abusing



him. When the informant forbade them for doing so, they started damaging the house of the informant and also started looting the household articles. When opposed, the informant, his mother and his brothers were assaulted by the petitioners and other co-accused persons cause a number of injuries to them.

4. Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The present case is counterblast of Mufassil P.S. Case No. 534 of 2023, registered under Section 147, 149, 341, 323, 324, 307, 354 (A), 379 and 504 of the IPC read with Section 3(i)(r)(s) of the SC/ST Act, which has been filed by the petitioner no. 3 against the informant and their family members. Learned counsel further submits that it is clear from the FIR that both sides sustained injuries and only one injury of Chandeshwar Kumar has been found grievous, but there is no specific allegation against any of the petitioners that they caused injury to Chandeshwar Kumar. There is no ingredient of Section 309 of IPC as it appears from the FIR and Section 379 IPC has been incorporated to make the allegations serious. Learned counsel further submits that the petitioners are having clean antecedents.

5. Learned APP opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



case and its counterversion and further considering non-serious nature of injuries, let the petitioners above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari/concerned court in connection with Mufassil P.S. Case No. 535 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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