

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35614 of 2024

Arising Out of PS. Case No.-584 Year-2023 Thana- Bodhgaya District- Gaya

1. Pramod Paswan @ Pramod Kumar S/o Balo Paswan R/o vill - Durgapur, P.S. - Bodh Gaya, Distt. - Gaya.
2. Balo Paswan S/o Durjan Paswan R/o vill - Durgapur, P.S. - Bodh Gaya, Distt. - Gaya.
3. Tuntun Paswan @ Ramashish Paswan S/o Kuldip Paswan R/o vill - Durgapur, P.S. - Bodh Gaya, Distt. - Gaya.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-06-2024 **1.** Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

2. At the outset, it is submitted by learned counsel for the petitioners that during pendency of this case, petitioner no. 1, namely, Pramod Paswan @ Pramod Kumar has already been arrested, as such, present anticipatory bail application of petitioner no. 1 has become infructuous.

3. Accordingly, the prayer of anticipatory bail



application of petitioner no. 1, namely, Pramod Paswan @ Pramod Kumar stands dismissed as withdrawn having become infructuous.

4. Now, this application survives only for petitioner nos. 2 and 3, namely, Balo Paswan and Tuntun Paswan @ Ramashish Paswan respectively.

5. The accused/petitioners are named in the FIR and apprehending their arrest in connection with Bodh Gaya P.S. Case No. 584 of 2023 registered under Sections 147, 149, 448, 504, 427, 323, 379, 307 of the Indian Penal Code and Sections 3, 4, and 5 of the Witchcraft Act.

6. Allegation against petitioners is to assault the informant and her family members, causing bodily injuries, suspecting informant as a '*daain*' where it is further alleged that during the occurrence, petitioners along with other co-accused persons snatched cash of Rs.10,000/- and mobile from the husband of informant and also damaged her house.



7. It is submitted by learned counsel that occurrence arises out of neighbourhood issue related with common pathway. It is further pointed out that allegation regarding assault is very much general and omnibus against the petitioners, as it is alleged through FIR that 15 named persons collectively assaulted the informant and her family members i.e. husband and son. Learned counsel pointed out that petitioner has got one more criminal case, in which he is on bail.

8. Learned A.P.P. for the State opposes the prayer of anticipatory bail of the petitioners.

9. In view of aforesaid factual submission, as allegation of physical assault, *prima-facie*, appears very much general and omnibus, accordingly, above-named petitioner nos. 2 and 3, namely, Balo Paswan and Tuntun Paswan @ Ramashish Paswan are directed to be released on bail, in the event of their arrest or surrender in the court below within a period of four weeks, on furnishing bail bond of Rs.10,000/- (Rupees Ten



Thousand) each with two sureties of the like amount
each to the satisfaction of the learned Chief Judicial
Magistrate, Gaya in connection with Bodh Gaya P.S.
Case No.584 of 2023 subject to the conditions as laid
down under Section 438(2) of the CrPC.

(Chandra Shekhar Jha, J)

veena/suruchi-

U		T	
---	--	---	--

