

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39829 of 2024

Arising Out of PS. Case No.-65 Year-2024 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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1. MAHESH PASWAN SON OF SHRI PASWAN VILLAGE- MAKHAN TOLA, SIMRI BAKHTIYARPUR, PS- BAKHTIYARPUR, DIST- SAHARSA
 2. ABHISHEK PASWAN @ Abhishek Kr. SON OF MAHESH PASWAN VILLAGE- MAKHAN TOLA, SIMRI BAKHTIYARPUR, PS- BAKHTIYARPUR, DIST- SAHARSA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramjiban Prasad
For the Opposite Party/s : Mr. Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 25-09-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Bakhtiyarpur Police Station Case No. 65 of 2024, dated 17.02.2024, disclosing offences under Sections 341/323/324/504/506/307/379/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that on 11.06.2017, the informant paid a sum of Rs. 90,000/- to the petitioner no. 1, namely, Mahesh Paswan, as an advance for purchasing land, however, neither the



petitioner no. 1 executed sale deed nor he returned the aforesaid amount. On 17.02.2024, in the morning, when the informant asked to return the money, the petitioners came to his house and assaulted him. Petitioner no. 1 assaulted him by means of iron rod and the petitioner no. 2 assaulted him by hockey stick, due to which the informant sustained injury on his head. Upon alarm being raised, the wife and daughter of the informant came at rescue, upon which, the petitioners assaulted them also and snatched mangalsutra/golden chain and earrings from the informant's wife.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case due to land dispute. He next submits that the allegation of assault is general and omnibus in nature and there is no specific allegation of assault against the petitioner no. 2. He further submits that First Information Report, bearing Bakhtiyarpur Police Station Case No. 67 of 2024, has also been lodged by the side of the petitioners against the informant and others.
5. Learned Additional Public Prosecutor opposed the prayer for bail and submits that there is specific allegation of



assault against the petitioner no. 1 and injury sustained by the informant on his head is grievous in nature.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the allegation against the petitioner no. 2 is general and omnibus in nature, I am inclined to grant the petitioner no. 2 privilege of anticipatory bail.
7. This application in respect of petition no. 2 is, accordingly, allowed.
8. Let the petitioner no. 2, Abhishek Paswan, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa, in connection with Bakhtiyarpur Police Station Case No. 65 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.
9. Is so far as petitioner no. 1, Mahesh Paswan, is concerned, there is specific allegation of assault against him and injury caused to the informant by the petitioner is grievous in nature, accordingly, I am not inclined to grant



the petitioner no. 1 privilege of anticipatory bail.

10.This application is respect of petitioner no. 1 stands dismissed.

11.However, if the petitioner no. 1, Mahesh Paswan, surrenders before the concerned Court and seeks regular bail, the same may be considered by the concerned Court on its own merit without being prejudiced that anticipatory bail of the petitioner no. 1 has been rejected by this Court.

(Anil Kumar Sinha, J)

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