

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42563 of 2024

Arising Out of PS. Case No.-40 Year-2024 Thana- KASMA District- Aurangabad

1. Bigan Paswan aged about 45 years (male), Son Of Shivrindan Paswan,
 2. Shashi Paswan @ Shashikant Paswan aged about 28 years (male),
 3. Ravi Paswan aged about 25 years (male)
 4. Kirishana Paswan @ Krishna Paswan @ Krishna Kumar, aged about 18 years (male),
 5. Rajnish Kumar @ Ranish Kumar aged about 18 years (male), Above 2 to 5 are sons of Bigan Paswan,
 6. Baburam Paswan aged about 40 years (male), son of Late Sarun Paswan
 7. Uday Paswan aged about 32 years (male), Son Of Rajaram Paswan @ Raja Ram Prasad,
 8. Amrajit Paswan aged about 29 years (male), son of Baburam Paswan
 9. Soni Devi aged about 30 years (female) wife of Uday Paswan,
 10. Asha Devi aged about 42 years (female), wife of Bigan Paswan,
 11. Rubi Devi aged about 20 years (female), wife of Ravi Paswan,
 12. Karanti Devi @ Kanti Devi aged about 28 years (female), wife of Inderjit Paswan,
- Above all are resident of village- Arthua, P.S.- Kasma, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aman Vishal, Advocate
For the Opposite Party/s : Mr. Pranav Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 10-07-2024 Heard Mr. Aman Vishal, learned counsel appearing on behalf of the petitioners and Mr. Pranav Kumar, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Kasma P.S. Case No. 40 of 2024, registered for the offence



punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 379, 504, 506 of the Indian Penal Code.

3. As per the allegation made in the FIR, all the accused persons including the petitioners, tried to kill the informant while she was coming from the field and when the villagers came to save her, accused persons had also assaulted them.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have falsely been implicated in the present case. He further submitted that the present case is counterblast to Kasma P.S. Case No. 36 of 2024 lodged on 18.03.2024 and as a result of the same, on false accusation, the informant has lodged the present FIR against the petitioners. He further submitted that free fight took place on the alleged date of incidence and petitioners may have caused some injury in their self defence without intention. Both the parties are *agnate* and there is long standing land dispute. On these grounds, petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the rival submissions made on behalf



of the parties, as well as, the fact that the present case is counterblast to Kasma P.S. Case No. 36 of 2024 lodged on 18.03.2024 and as a result of the same, on false accusation, the informant has lodged the present FIR against the petitioners. Free fight took place on the alleged date of incidence and petitioners may have caused some injury in their self defence without intention. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. Learned District Court is directed to verify the injuries sustained by the victims and if it is found to be simple in nature and the same is specifically attributable to the petitioners, the petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad (Bihar), in connection with Kasma P.S. Case No. 40 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioners as stated in paragraph no. 3 of the bail application. If any other case is pending



**against the petitioners as what has been stated in paragraph
no. 3, this order will lose its force automatically.**

(Purnendu Singh, J)

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