

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44930 of 2024

Arising Out of PS. Case No.-37 Year-2024 Thana- ARIYARI District- Sheikhpura

1. Sunni Paswan Son of Sharvan Paswan Village- Sanaiya, Near School Ward No. -05, Ariyari, Distt.- Sheikhpura
2. Niwas Paswan @ Niwas Kumar Son of Ramashish Paswan Village- Sanaiya, Near School Ward No. -05, Ariyari, Distt.- Sheikhpura
3. Dayanand Paswan Son Of Brijnandan Paswan Village- Sanaiya, Near School Ward No. -05, Ariyari, Distt.- Sheikhpura
4. Shishupal Kumar Paswan Son of Lalo Paswan @ Lalo Paswan Village- Sanaiya, Near School Ward No. -05, Ariyari, Distt.- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar, Adv.

For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 10-07-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State as also learned counsel for the Informant.

2. The petitioners apprehend their arrest in connection with Ariyari P.S. Case No. 37 of 2024 registered for the offences punishable under Sections 341, 323, 324, 307, 504, 379/34 of the Indian Penal Code.

3. As per prosecution case, the accused persons including the present petitioners have collectively assaulted the Informant and his family members. It is alleged that accused Bajo Paswan assaulted on the head of the Informant with *Garasa* causing head injury. It is further alleged that the accused



persons also took away with them one laptop, printer, charger, one mobile and cash of Rs. 1,50,000/- from the shop of the Informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case due to village politics. Both the parties belong to the same village and there is a case and counter case. The counter case is Ariyari P.S. Case No. 38 of 2024. There is no specific or direct allegation of any overt act against the petitioners rather the same is general and omnibus in nature. The specific allegation of assault by Garasa is on the co-accused Bajo Paswan. The petitioners have no criminal antecedent as has been stated in paragraph no.3 of the present anticipatory bail application. The petitioners have no criminal antecedent.

5. Learned counsel for the petitioners further submits that the other co-accused persons namely Sachidanand Paswan, Srikant Paswan @ Srikant Kumar Paswan, Santosh Kr. Paswan, Saurabh Kumar Paswan and Upendra Paswan have been granted regular bail by this Court vide order dated 20.04.2024 passed in Cr. Misc. No. 29263 of 2024.

6. Learned A.P.P. for the State and Informant oppose the prayer for anticipatory bail of the petitioners stating that the



petitioners are named in the F.I.R. and there is an allegation against the accused petitioners that they along with co-accused persons assaulted the Informant and his family members. The injuries are serious in nature and, thus, they do not deserve anticipatory bail.

7. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioners as also there being no specific or direct allegation of any overt act against the petitioners as also the petitioners having no criminal antecedent, let the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Ariyari P.S. Case No. 37 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

rishi/-

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

