

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52464 of 2024

Arising Out of PS. Case No.-80 Year-2023 Thana- MANIYARI District- Muzaffarpur

1. Vikash Paswan @ Vikash Kumar S/O - Nantun Paswan
2. Vicky Kumar @ Vicky S/O- Nantun Paswan
3. Dinanath Kumar @ Deena Paswan S/O- Dilip Paswan, all R/O Of Vill.-
Madhopur Susta, P.S.- Maniyari, District- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate

For the Opposite Party/s : Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 20-08-2024 Heard learned counsel for the petitioners as well as
learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 147, 341, 323, 324, 307, 379, 447, 448, 504 and 506 of the IPC in connection with Maniyari P.S. Case No.80 of 2023.

3. The learned counsel for the petitioners submit that petitioner no.1 and 2 are persons with clean antecedent and petitioner no.3 has antecedent of one case and the informant alleges that accused persons including the petitioner came variously armed to his house and assaulted him with iron, chain and fataha, further also assaulted his son and wife, it is next alleged that Raja assaulted by butt of pistol on head causing



injury to the informant, thereafter Vicky assaulted his son Rupesh by Hasuli, causing injury on side of the neck, further Raja and Vicky committed theft of money and ornament as detailed in the FIR.

4. The learned counsel for the petitioners submit that petitioners have been falsely implicated in the instant case by the informant. It is also submitted that Raja used to oppose the illegal acts of the informant as he was indulging in selling of liquor, on account of which an altercation had taken place when the instant FIR came to be instituted. It is also submitted that no doubt one of the injuries of the informant on head is opined to be grievous but then the same were inflicted by Raja and as far as injuries of Rupesh and Gautam is concerned the same are simple in nature.

5. The learned APP, Mr. Chandra Bhushan Prasad opposes the anticipatory bail application and submits though a submission has been made that the injuries suffered by Rupesh and Gautam is simple in nature, but then neither the injury report is annexed nor the order impugned record about the injury.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the



event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on anticipatory bail on their furnishing bail-bonds in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Ist Class, (West), Muzaffarpur in connection with Maniyari P.S. Case No.80 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. However, it is made clear that the learned trial court before accepting the bail bond of the petitioners shall verify the injury report of Rupesh and Gautam and, in the event if, it is found that they suffered grievous injury, in that event, the present anticipatory bail order shall not be given effect to.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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