

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50396 of 2024

Arising Out of PS. Case No.-1247 Year-2023 Thana- KHAJANCHI HAT District- Purnia

1. Lal Singh @ Lal Singh Paswan @ Lal Singh Kumar, Son of Meena Paswan, R/o Village- Mehta Chowk, P.S.- K. Hat, Maranga, Dist- Purnea
2. Puran Paswan, Son of Meena Paswan, R/o Village- Mehta Chowk, P.S.- K. Hat, Maranga, Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 22-08-2024 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with K. Hat (Maranga) P.S. Case No. 1247 of 2023 dated 08.11.2023 registered for the offences punishable under Sections 341, 323, 307, 354 and 504 read with Section 34 of the Indian Penal Code.

3. Learned counsel appearing for the petitioners submits that the petitioners have been falsely implicated in the present case, in fact, sons of the informant, namely, Bhola Mahaldar and Ajay Mahaldar came at the shop of petitioner No. 2 and demanded cigarette and tobacco and when the wife of



petitioner No. 2 replied that she does not sell cigarettes and tobacco, the informant's sons abused her and on protest, they threw the items of the shop and thereafter, the informant's sons along with other named accused persons brutally assaulted the petitioners and others, who were treated at Government Medical College and Hospital, Purnea. Learned counsel further submits that there is case and counter case and on bare perusal of the injury reports of the injured persons from the informant's side, it would appear that all the injuries are simple in nature and the said injury reports have been annexed with this petition as Annexure- 'P/3' series and the petitioners have got fair and clean antecedent.

4. Learned APP for the State has opposed the prayer for bail of the petitioners.

5. Heard both the sides and perused the FIR and injury reports of the injured persons concerned to the present matter filed by the petitioners along with this petition as Annexure- 'P/3' series. Against the petitioner No. 2, namely, Puran Paswan, there is serious allegation as he, firstly, caused teeth bite injury at the stomach of the informant's son and thereafter, inflicted *batali* blow at the head of informant's sister's son-in-law and thereafter, again inflicted *batali* blows at



the head of other relatives of the informant and the said allegation shows that the petitioner actively participated in the alleged occurrence in which five persons sustained injuries. Considering the nature of allegation appearing against the petitioner No. 2, in my opinion, he does not deserve to the privilege of anticipatory bail. Accordingly, the anticipatory bail prayer of petitioner No. 2, namely, Puran Paswan stands rejected.

6. So far as the prayer of petitioner No. 1, namely, Lal Singh @ Lal Singh Paswan @ Lal Singh Kumar is concerned, he is simply alleged to have abused the prosecution party and except this, there is no any other specific allegation against him in the FIR, in my opinion, the petitioner No. 1 deserves to the privilege of anticipatory bail. Accordingly, let the petitioner No. 1 named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with K. Hat (Maranga) P.S. Case No. 1247 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



7. Considering the genesis of occurrence and clean antecedent, the petitioner No. 2 is given a liberty to surrender before the learned trial court within four weeks from today, if he surrenders within the said period then the learned trial court shall decide his bail prayer according to merit without being prejudiced with this order.

(Shailendra Singh, J)

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