

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55627 of 2024

Arising Out of PS. Case No.-875 Year-2023 Thana- BARACHATTI District- Gaya

1. Sikandar Paswan S/o- Sukhdev Paswan R/o Vill- Duhobar, Mohanpur, PO-
Gopalkera, PS- Mohanpur, Gaya
2. Aditya Paswan son of Late Swarth Paswan R/o Vill- Duhobar, Mohanpur,
PO- Gopalkera, PS- Mohanpur, Barachatti, Gaya
3. Rambhajan Paswan son of Late Swarth Paswan R/o Vill- Duhobar,
Mohanpur, PO- Gopalkera, PS- Mohanpur, Barachatti, Gaya
4. Sunil Kumar @ Gariban Paswan @ Sunil Paswan son of Aditya Paswan R/o
Vill- Duhobar, Mohanpur, PO- Gopalkera, PS- Mohanpur, Barachatti, Gaya
5. Bigan Paswan @ Vigan Paswan son of Aditya Paswan R/o Vill- Duhobar,
Mohanpur, PO- Gopalkera, PS- Mohanpur, Barachatti, Gaya
6. Anoj Paswan @ Anuj Kumar son of Rambhajan Paswan R/o Vill- Duhobar,
Mohanpur, PO- Gopalkera, PS- Mohanpur, Barachatti, Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chgandrashekhar Paswan son of Ramprit Paswan R/o Vill- Duhobar,
Mohanpur, PO- Gopalkera, PS- Mohanpur, Barachatti, Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dayanand Singh, Advocate
For the State	:	Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-09-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Barachatti (Mohanpur) P.S. Case No. 875 of 2023 for the offence under Sections 147, 149, 341, 323, 504, 506, 354, 307, 427 and 447 of the Indian Penal Code lodged on 17.09.2023 by the informant, Chandrashekhar Paswan.

3. As per the prosecution story, the informant alleged



that the accused persons armed variously came to their place and started abusing. When the informant objected and made a query why the land measurement is not being done, Sukhdev Paswan used brick while petitioner no.4 Sunil Kumar @ Gariban Paswan @ Sunil Paswan with rod started assaulting the informant as also his brother causing injuries on the body and the head, further, both of them got head injury The allegation is that one Baleshwar Paswan also came along with '*lathi*' and assaulted and as a result whereof he became unconscious, they also damaged the Toyota Car and the Motorcycle. Later, went from Mohanpur Hospital to Magadh Medical College, Gaya where he was admitted, when his mother came there, allegation is that Guddu and Sikandar assaulted her. Accordingly, the F.I.R.

4. Learned counsel for the petitioners submit that there is a case and counter case, the accused side has also suffered injuries and none have criminal antecedent. The submission is that so far as the petitioner nos.2, 3, 5 and 6 namely Aditya Paswan, Rambhajan Paswan, Bigan Paswan and Anoj Paswan are concerned, there is no specific allegation of assault.

5. Learned APP Mr. Jitendra Kumar Singh, opposes the prayer submitting that from a perusal of the F.I.R., it is clear



that Sunil Kumar @ Gariban Paswan @ Sunil Paswan (petitioner no.4) and Sukhdev Paswan led the accused persons and assaulted the informant side. One Baleshar Paswan also assaulted whereafter, further, allegation is that when the mother had gone to see the sons who were admitted in Magadh Medical College, Gaya, she was also assaulted by Guddu and Sikandar Paswan (petitioner no.1).

6. Considering the allegation that has come against the petitioner nos.1 and 4 namely Sikandar Paswan and Sunil Kumar @ Gariban Paswan @ Sunil Paswan, respectively, their anticipatory bail stands rejected.

7. So far as the petitioner nos.2, 3, 5 and 6, namely Aditya Paswan, Rambhajan Paswan, Bigan Paswan @ Vigan Paswan and Anoj Paswan @ Anuj Kumar are concerned, though omnibus allegation is there, no specific role of assault has incorporated in the F.I.R, and none have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail.

8. Let the nos.2, 3, 5 and 6, namely Aditya Paswan, Rambhajan Paswan, Bigan Paswan @ Vigan Paswan and Anoj Paswan @ Anuj Kumar be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of



this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 2nd, Sherghati, Gaya, in connection with Barachatti (Mohanpur) P.S. Case No. 875 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(i) one of the bailor should be the family member/relative of the nos.2, 3, 5 and 6, namely Aditya Paswan, Rambhajan Paswan, Bigan Paswan @ Vigan Paswan and Anoj Paswan @ Anuj Kumar who shall provide official document to show his/her bona fide;

(ii) the nos.2, 3, 5 and 6, namely Aditya Paswan, Rambhajan Paswan, Bigan Paswan @ Vigan Paswan and Anoj Paswan @ Anuj Kumar shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the nos.2, 3, 5 and 6, namely Aditya Paswan, Rambhajan Paswan, Bigan Paswan @ Vigan Paswan and Anoj Paswan @ Anuj Kumar shall appear before the concerned police station every fortnight for next six months to mark his



attendance;

(iv) the nos.2, 3, 5 and 6, namely Aditya Paswan, Rambhajan Paswan, Bigan Paswan @ Vigan Paswan and Anoj Paswan @ Anuj Kumar shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the nos.2, 3, 5 and 6, namely Aditya Paswan, Rambhajan Paswan, Bigan Paswan @ Vigan Paswan and Anoj Paswan @ Anuj Kumar shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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