

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59313 of 2024**

Arising Out of PS. Case No.-227 Year-2022 Thana- CHAUTHAM District- Khagaria

Naresh Paswan Son of Agarjeet Paswan Resident of village - Mohanpur
(Thana tol), P.S.- Chautham, District – Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

2 21-09-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Chautham P.S.Case No. 227 of 2022 registered for the alleged offences under Sections 147, 148, 149, 341, 323, 307, 354(B), 379, 385, 504 and 506 of the Indian Penal Code.

3. As per prosecution case, the petitioner along with other co-accused persons, who were armed with country made pistol, iron road and *lathi*, entered into the courtyard of the informant and assaulted the husband of the informant. When the informant intervened, she was also assaulted. They also took



away cash, ornaments and some clothes from the house of the informant.

4. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case in the background of earlier land dispute between the parties as wife of a co-accused lodged Chautham P.S. Case No.116 of 2020 against against the husband and other family members of the informant of the present case. Both the parties are agnates. There is no specific allegation against the petitioner and the allegation of assault over husband of the informant is against one Rambhu Paswan and not against the petitioner. The allegation against the petitioner is that of threatening the informant with country made pistol. Moreover, the injury on the husband of the informant was found quite simple. From the facts of the FIR, it is apparent that there is no attempt on the life of any person and, as such, no case under Section 307 IPC is made out out. The allegation for offence under Section 354(B), 379 and 385 IPC is merely super addition. Learned counsel further submits that co-accused persons have been granted anticipatory bail by this Court vide dated 17.02.2024 passed in Cr. Misc. Nos. 6869 of 2024 and 7046 of 2024, respectively. The petitioner has got criminal antecedent of one case lodged by



husband of the present informant in which he is on bail.

5. Learned APP vehemently opposes the submissions made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the general nature of allegation against the petitioners without any substantive material and further considering the land dispute between the parties and also considering the possibility of false implication, let the petitioner, above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Khagaria, in connection with Chautham P.S. Case No. 227 of 2022, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so



required by the learned trial
court.

(Arun Kumar Jha, J)

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