

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60458 of 2024

Arising Out of PS. Case No.-80 Year-2024 Thana- MUFFASIL District- Aurangabad

1. Arun Paswan Son of Ram Raj Paswan @ Ramraj Gahalaut R/o Vill.- Karma Bhagwan, P.S.- Aurangabad Muffasil, Dist.- Aurangabad, Bihar
2. Sona Devi Wife of Arun Paswan R/o Vill.- Karma Bhagwan, P.S.- Aurangabad Muffasil, Dist.- Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aman Vishal

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-09-2024 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 341, 323, 307, 379, 504 and 506 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent the informant alleges that on 27-2-2024, his daughter was feeding her two year old son at his door, when Arun, Nikhil and Sikil came and started abusing his daughter, on protest, the aforesaid three accused assaulted her by *lathi*, iron-rod and *khanti* causing



injury and when the informant went to rescue his daughter, accused Sona Devi, Mamta Kumari, Kajal Kumari, Janeshwar Paswan and Niraj Kumar came and assaulted him and his daughter by *lathi*, *danda*, iron-rod and *khanti*, on alarm villagers arrived, when all the accused fled.

4. The learned counsel appearing on behalf of the petitioners submits that the allegation is in two parts; in the first part, it is alleged that Arun, Nikhil and Sikil came and assaulted the daughter of the informant causing injury, but then it is submitted that the injury suffered by the daughter of the informant is simple in nature though is on vital part of the body, which amply demonstrates that the accused never had any intention of committing a serious occurrence. It is also submitted that had she been assaulted in the manner as alleged in the FIR, then definitely she would have suffered multiple injuries, but then she has suffered one injury. It is next submitted that though informant alleges that he was also assaulted, but then the allegation of assault is against Sona Devi, Mamta Kumari, Kajal Kumari, Janeshwar Paswan and Niraj Kumar. It is next submitted that allegation of assault is also not specific rather is general and omnibus in nature though the informant has suffered grievous injury, but then it is submitted that the entire



family members have been implicated with general and omnibus allegation of assault. It is further submitted that even the female members of the family have been implicated alleging that they were also involved in the occurrence. It is next submitted that from side of the petitioners Muffasil PS Case No. 100 of 2024 has been instituted. It is further submitted that in the FIR no reason for the occurrence is alleged. It is further submitted that if the anticipatory bail application of the petitioners is rejected on the ground that informant suffered grievous injury that would amount to travesty of justice when Arun is not alleged to have assaulted the informant specifically. It is also submitted that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

5. The learned APP and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioners but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioners that daughter of the informant suffered simple injury and the allegation of assault against the informant is general and omnibus in nature and the entire family members are implicated and the reason for the occurrence is not alleged in the FIR.

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 trial court 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 trial court where the case is pending/successor court in connection with Aurangabad Muffasil P.S. Case No. 80 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioners, despite giving assurance to this Court, are not cooperating in the investigation or are not presenting themselves as and when required, the learned trial court shall be at liberty to forthwith cancel the bail bonds of the petitioners after recording reasons.

8. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

(Satyavrat Verma, J)

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