

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67347 of 2024

Arising Out of PS. Case No.-155 Year-2024 Thana- DALSINGHSARAI District- Samastipur

1. Rakesh Paswan @ Rakesh Kumar Paswan S/o Late Ramprit Paswan R/o vill - Keota, Tole- Piparpanti, P.s. - Dalsinghsarai, Distt - Samastipur
2. Amresh Paswan S/o Late Ramprit Paswan R/o vill - Keota, Tole- Piparpanti, P.s. - Dalsinghsarai, Distt - Samastipur
3. Shambhu Paswan S/o Late Parmeshwar Paswan R/o vill - Loknatpur Ganj, P.S. - Dalsinghsarai, Distt. - Samastipur
4. Nirmala Devi W/o Shambhu Paswan R/o vill - Loknatpur Ganj, P.S. - Dalsinghsarai, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lakshmindra Kumar Yadav, Advocate
For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 18-12-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Dalsinghsarai P.S. Case No. 155 of 2024 registered for the alleged offences under Section 341, 323, 307, 354-B, 313, 379, 324, 506 and 34 of the Indian Penal Code.

03. As per prosecution case, petitioners and co-accused persons assaulted the informant with *lathi* and *danda* causing fracture of her head and thumb. The pregnancy of two months of the informant was also aborted in this assault.

04. Learned counsel for the petitioners submits that the



petitioners are innocent and have been falsely implicated in this case. Petitioner no. 3 is the elder brother of the husband of the informant. Prior to lodging of the present case petitioner no. 3 lodged Dalsinghsarai P.S. Case No. 151 of 2024 against the informant and other family members as they brutally assaulted the petitioner Shambhu Paswan and female inmates. The present case by the informant is a counter blast of the said case. Petitioner no. 1 & 2 are the brothers of petitioner no. 4 and they were not even present at the place of occurrence. The injury report of the informant shows simple and superficial injuries as injury is a lacerated one on thumb of size 1/4"x1/8"x1/8". The injury is stated to be simple. There has been no miscarriage or abortion as is evident from the ultrasound report of the informant. The petitioner nos. 3 & 4 are having clean antecedent whereas petitioner nos. 1 & 2 are having antecedent of two cases.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioners. Learned A.P.P. submits that the allegation against the petitioners is that by their violent act the informant underwent miscarriage.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the relationship of the parties and further considering the earlier case of the petitioners against informant and also considering



possibility of false accusation, let the petitioners 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/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Court of A.C.J.M.-1st, Dalsinghsarai, Samastipur in connection with Dalsinghsarai P.S. Case No. 155 of 2024, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners 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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