

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71621 of 2023

Arising Out of PS. Case No.-626 Year-2022 Thana- NAUBATPUR District- Patna

1. Vishnu Dev Paswan @ Vishundev Paswan Son of Karmu Paswan Resident Of Village - Nizampur, P.S. - Naubatpur, District - Patna
2. Bablu Paswan @ Bablu Kumar Son Of Vishnu Dev Paswan Resident Of Village - Nizampur, P.S. - Naubatpur, District - Patna
3. Saat Dev Paswan @ Satyadeo Paswan Son of Karmu Paswan Resident Of Village - Nizampur, P.S. - Naubatpur, District - Patna
4. Niraj Kumar Son of Saat Dev Paswan Resident Of Village - Nizampur, P.S. - Naubatpur, District - Patna
5. Suraj Kumar Son of Saat Dev Paswan Resident Of Village - Nizampur, P.S. - Naubatpur, District - Patna
6. Pancham Kumar Son Of Shyam Dev Paswan Resident Of Village - Nizampur, P.S. - Naubatpur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

3 27-02-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Naubatpur P.S. Case No. 626 of 2022 dated 13-09-2022, instituted for the offence punishable under Sections 341, 323, 324, 307, 379 and 34 of the Indian Penal Code.

3. The case of prosecution, in short, is that accused persons, including the petitioners variously armed have assaulted the informant and her family members. It is alleged that petitioner no.4, namely, Niraj Kumar assaulted the



informant, on her head by means of an iron rod, on account of which, she sustained head injury and fell down. It is alleged that co-accused, namely, Puja Kumari and Priya Kumari have snatched the gold chain of the informant. It is further alleged that petitioner no.3, namely, Satdev Paswan snatched the '*mangalsutra*' from informant's neck. It is alleged that when son of the informant came to save her then, petitioner no.6, namely, Pancham Kumar also assaulted him by means of butt of the pistol on his head. The allegation against the petitioner no. 2, namely, Bablu Paswan and petitioner no.5, namely, Suraj Kumar is that they have assaulted the cousin brother-in-law of the informant by means of stick and spear and injured him. The further allegation is that co-accused along with petitioner no.1, namely, Vishnu Dev Paswan dragged the informant with wrong intention and also torn her blouse.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have falsely been implicated in this case due to a case bearing *Naubatpur* PS Case No. 511 of 2014, lodged by petitioner no.4 against the informant's son, namely, Sunny Kumar under Sections 376/511 of the IPC. It is submitted that during the scuffle between the parties, both parties have received injury. It is submitted that petitioner no.4, namely, Niraj Kumar also received head injury (Annexure-2). Petitioner no.4 was referred to PMCH, Patna, for better



treatment. It is next submitted that injury of Sadhana Devi, informant of this case, has reported to be simple in nature and so far injury of Akash Kumar, who is son of the informant is concerned, the same is reported to be simple in nature. The petitioners have no criminal antecedents.

5. Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Naubatpur P.S. Case No. 626 of 2022, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM VIth, Danapur, or appropriate Court below, subject to condition as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Khatim Reza, J)

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