

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74335 of 2023**

Arising Out of PS. Case No.-37 Year-2023 Thana- GAMAHARIYA District-
Madhepura

- =====
1. TAPESHWARI PASWAN SON OF LATE YOGESHWAR PASWAN Resident of Village - Kamaljari, Police Station - Gamhariya, District - Madhepura
 2. Ram Paswan Son of Late Yogeshwar Paswan Resident of Village - Kamaljari, Police Station - Gamhariya, District - Madhepura
 3. Bateshwar Paswan Son of Chotelal Paswan Resident of Village - Kamaljari, Police Station - Gamhariya, District - Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. THE STATE OF BIHAR PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Janmejaya Giridhar, Adv.
For the Opposite Party/s : Mr.Raj Kishor Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 05-03-2024 Heard Mr. Binod Kumar Singh as also Mr. Bipin Kumar Singh, learned counsel for the petitioner and Mr. Bharat Bhushan, learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Gamhariya P.S. Case No. 37 of 2023 registered for the offence under Sections 147, 341, 323, 324, 307, 354(A), 379 and 504 of the Indian Penal Code lodged on 04.03.2023 by the informant, Ram Lakhan Sah.

3. As per the prosecution story, the informant alleged that on the issue of construction of a hut on the



government land, the dispute arose. The accused persons formed a mob thereafter petitioner No. 1 assaulted the son-in-law of the informant, Rajiv Ranjan causing him head injury, petitioner No.2 snatched money from the pocket of the informant and also took away the chain from his daughter-in-law. Further, so far as petitioner No.3 is concerned, the allegation is that he gave injury to Shiv Shankar Shah on his head by iron rod. Accordingly, the F.I.R came to be registered.

4. Learned counsel for the petitioner submits that so far as the injury sustained by Rajiv Ranjan is concerned, the same is found to be simple in nature. However, he fairly submitted that so far as the assault made by petitioner No.3, Bateshwar Paswan to Shiv Shankar Shah is concerned, the doctor has found the same to be grievous in nature.

5. In the aforesaid background, the prayer for grant of anticipatory bail to petitioner No.3, Bateshwar Paswan is concerned, is rejected.

6. So far as petitioner No.1 Tapeshwari Paswan, petitioner No.2, Ram Paswan are concerned, as the injury sustained by Rajiv Ranjan found to be simple in nature, snatching allegation is there against petitioner No.2, Ram



Paswan, both do not have criminal antecedent, this Court is inclined to extend them privilege of anticipatory bail.

7. Let the petitioner Nos.1 and 2, Tapeshwari Paswan and Ram Paswan, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of A.C.J.M.-III, Madhepura in connection with Gamahariaya P.S. Case No. 37 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his bona fide;

(ii) the petitioners 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 petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioners 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 petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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