

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.77698 of 2023**

Arising Out of PS. Case No.-322 Year-2022 Thana- GOGRI District- Khagaria

1. RUPESH PASWAN SON OF MUSHAHARU PASWAN RESIDENT OF VILLAGE- JAMALPUR PASWAN TOLA, WARD NO. 29, PS- GOGRI, DISTT- KHAGARIA BIHAR
2. MUKESH PASWAN @ RAHUL KUMAR SON OF MUSHAHARU PASWAN RESIDENT OF VILLAGE- JAMALPUR PASWAN TOLA, WARD NO. 29, PS- GOGRI, DISTT- KHAGARIA, BIHAR
3. RAMESH PASWAN SON OF MUSHAHARU PASWAN RESIDENT OF VILLAGE- JAMALPUR PASWAN TOLA, WARD NO. 29, PS- GOGRI, DISTT- KHAGARIA, BIHAR
4. VIJAY PASWAN @ WIDO PASWAN SON OF DOMI PASWAN RESIDENT OF VILLAGE- JAMALPUR PASWAN TOLA, WARD NO. 29, PS- GOGRI, DISTT- KHAGARIA, BIHAR
5. DOMI PASWAN SON OF LATE KALESHWAR PASWAN RESIDENT OF VILLAGE- JAMALPUR PASWAN TOLA, WARD NO. 29, PS- GOGRI, DISTT- KHAGARIA, BIHAR
6. FULAN DEVI WIFE OF MUSHAHARU PASWAN RESIDENT OF VILLAGE- JAMALPUR PASWAN TOLA, WARD NO. 29, PS- GOGRI, DISTT- KHAGARIA, BIHAR
7. MALA DEVI WIFE OF DOMI PASWAN RESIDENT OF VILLAGE- JAMALPUR PASWAN TOLA, WARD NO. 29, PS- GOGRI, DISTT- KHAGARIA, BIHAR
8. PUSHPA DEVI @ POOJA DEVI WIFE OF RUPESH PASWAN RESIDENT OF VILLAGE- JAMALPUR PASWAN TOLA, WARD NO. 29, PS- GOGRI, DISTT- KHAGARIA, BIHAR
9. RINKU DEVI WIFE OF LAXMAN PASWAN RESIDENT OF VILLAGE- JAMALPUR PASWAN TOLA, WARD NO. 29, PS- GOGRI, DISTT- KHAGARIA, BIHAR
10. ABHINASH BHARTI SON OF DOMI PASWAN RESIDENT OF VILLAGE- JAMALPUR PASWAN TOLA, WARD NO. 29, PS- GOGRI, DISTT- KHAGARIA, BIHAR
11. NITISH KUMAR SON OF LAXMAN PASWAN RESIDENT OF VILLAGE- JAMALPUR PASWAN TOLA, WARD NO. 29, PS- GOGRI, DISTT- KHAGARIA, BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Shailendra Kumar Singh, Advocate  
For the Opposite Party/s : Mrs.Pushpa Sinha, APP



For the informant : Ms. Jolly Singh, Advocate

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

3      19-03-2024                      Heard Mr.      Shailendra Kumar Singh, learned  
counsel for the petitioners, Ms. Jolly Singh, representing the  
informant as also the learned APP.

2. The petitioners are apprehending arrest in  
connection with Gogri P.S. Case No. 322/2022 instituted  
under Sections 341, 323, 307, 354, 379, 504, 506/34 of the  
Indian Penal Code lodged on 14.11.2022 by the informant,  
Rina Devi.

3. As per the prosecution story, when the informant  
was going to purchase Ration, she was intercepted by  
petitioner no.1, Rupesh Paswan who after threatening her of  
dire consequences, if she files her nomination paper. On  
protest, assaulted her by revolver butt. The petitioner no.2,  
Mukesh Paswan gave 'lathi' blow on the face and eyes of her  
daughter when she came to her rescue. So far as other  
accused persons including the female are concerned, omnibus  
allegation of assault are there. They were taken to hospital,  
followed the FIR.

4. Learned counsel for the petitioners submit that  
though specific allegation of assault on Rupesh Paswan and



Mukesh Paswan is/are injuries have been found to be simple in nature. Regarding others omnibus allegation is there.

5. Learned counsel for the informant Ms. Jolly Singh submits that some of the accused persons have criminal antecedents and a bare perusal of the FIR would show that the ladies, the informant as also her daughter were assaulted by the two petitioners, petitioner no.1, Rupesh Paswan and petitioner no.2, Mukesh Paswan, regarding other she also alleges that they too assaulted them.

6. Taking into account the submissions put forward by the respective parties as also the fact that the specific allegation are against the petitioner no.1, Rupesh Paswan and petitioner no.2, Mukesh Paswan, their anticipatory bail application stand rejected.

7. So far as the other petitioners are concerned, omnibus allegation is/are there, injuries have been found to be simple in nature, some of them are ladies, this Court is inclined to extend them the privilege of anticipatory bail.

8. Let the petitioners (except petitioner no.1, Rupesh Paswan and petitioner no.2, Mukesh Paswan) be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks



from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Gogri P.S. Case No. 322/2022 to the satisfaction of learned Chief Judicial Magistrate, Khagaria subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

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

(ii) the petitioners (except petitioner no.1, Rupesh Paswan and petitioner no.2, Mukesh Paswan) 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 their bail bond by the Trial Court itself;

(iii) the petitioners (except petitioner no.1, Rupesh Paswan and petitioner no.2, Mukesh Paswan) shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners (except petitioner no.1, Rupesh Paswan and petitioner no.2, Mukesh Paswan) 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 (except petitioner no.1, Rupesh Paswan and petitioner no.2, Mukesh Paswan) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

**(Rajiv Roy, J)**

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