

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77498 of 2023

Arising Out of PS. Case No.-217 Year-2023 Thana- SUGAULI District- East Champaran

1. Om Prakash Paswan @ Om Prakash Kumar S/O Sita Ram Paswan Village- Bhatahan, Ward No. 04, Ps. Sugauli, Dist. East Champaran
2. Raja Paswan @ Raj Kumar S/O Sita Ram Paswan Village- Bhatahan, Ward No. 04, Ps. Sugauli, Dist. East Champaran

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar, Advocate.

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 10-01-2024 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Sugauli P.S Case No. 217 of 2023 dated 04.06.2023 registered for the offence punishable u/ss 447, 341, 323, 307, 379, 354B read with 34 of the Indian Penal Code.

4. As per the prosecution case, the co-accused and



the petitioner holding *lathi*, iron rod and *farsa* came to house of informant and stated abusing him. It is further alleged that the petitioner no.1 pushed the informant down on the ground and assaulted him, when the wife of the informant came to rescue him, she was also assaulted by the petitioner no.1 with iron rod causing injury. It is further alleged that the co-accused Raja Paswan assaulted the wife of the informant and the petitioner no.2 assaulted the informant with *farsa* causing injury on his hand. It is further alleged that the co-accused Arjun Paswan and the petitioner no.1 outraged modesty of the wife of the informant and snatched her gold jewellery.

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. It is further submitted that it is evident from the bare perusal of the F.I.R. that there was no intention to commit the murder of the informant or his wife thus no offence u/s 307 of the I.P.C. is made out against the petitioners. Learned counsel has further submitted that injury is simple in nature. The petitioners have no criminal antecedent as stated in para 3 of the bail petition.



6. Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail of the petitioners.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, East Champaran, Motihari in connection with Sugauli P.S Case No. 217 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

8. This application stands allowed.

(Chandra Prakash Singh, J)

Nilmani/-

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