

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80642 of 2023

Arising Out of PS. Case No.-146 Year-2023 Thana- BIBHUTIPUR District- Samastipur

1. Dinesh Paswan S/O Late Dwarika Paswan R/O Village- Samartha Kalyanpur, P.S- Bighutipur, Distt.- Samastipur, Bihar.
2. Aman Raj @ Aman Kumar S/O Pawan Kumar Sudhanshu. At Present Residing At Village- Samartha Kalyanpur, P.S- Bibhutipur, Distt.- Samastipur, Bihar. Permanently- Village- Rajwara Ward No.-03, P.S- Barauni, Distt.- Begusarai, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Madhav Kumar, Advocate
For the State	:	Mr. Abhay Kumar Roy, APP
For the informant	:	Mr. Uday Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

5 21-06-2024 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

2. Petitioners apprehend their arrest in connection with Bibhutipur P.S. Case No.146 of 2023 instituted under Sections 341, 323, 324, 325, 307, 354A, 354B, 379, 447, 448, 504, 506 and 34 of the I.P.C.

3. As per prosecution case, on the date of alleged occurrence while informant's sister was studying on the door, accused Vishal Kumar and Prasant Kumar seeing her alone came there and started teasing her with intention to outrage her modesty. On protest, Vishal Kumar assaulted her with the butt



of the pistol and Prasant Kumar gave *pagharia* blow on her head due to which she sustained injury. The petitioners are alleged to have assaulted the informant and his brother with *lathi* and iron rod.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. Both parties are neighbours and there was free fight between both the sides in which both sides sustained injuries and there is case and counter case between both the parties. Petitioners have no criminal antecedents and they are ready to cooperate in the investigation and the trial. He further submits that co-accused Dilip Paswan @ Dileep Paswan has been granted anticipatory bail by this Court vide order dated 16.10.2023 passed in Cr.Misc.No.62037 of 2023.

5. Learned counsel for the informant and learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioners stating that there is direct allegation against the petitioners for causing injury to the informant.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail on furnishing bail



bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Rosera in connection with Bibhutipur P.S. Case No.146 of 2023, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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