

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82775 of 2023

Arising Out of PS. Case No.-98 Year-2023 Thana- NIMACHANDPURA District- Begusarai

1. RAMANAND PASWAN Son of Sikandar Paswan R/o vill - Damdama, P.S. - Nima Chandpura, Distt. - Begusarai
2. Shivnandan Paswan Son of Tanik Paswan R/o vill - Damdama, P.S. - Nima Chandpura, Distt. - Begusarai
3. Mithlesh Paswan Son of Ram Bahadur Paswan R/o vill - Damdama, P.S. - Nima Chandpura, Distt. - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Singh, Advocate
For the State	:	Mrs. Anita Kumari, APP
For the Informant	:	Mr. Pushpendra Kumar Singh, Advocate
		Mrs. Divya Bharti, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 07-03-2024 Heard learned Counsel for the petitioners, State and the informant.

2. The petitioners apprehend their arrest in connection with Nima Chandpura P.S. Case No. 98 of 2023 for the offence registered under sections 147 and 307 of the Indian Penal Code lodged on 10.07.2023 by the informant, Dharmendra Paswan.

3. As per the prosecution story, the informant alleged that while he was returning after doing his work as a labour, the accused persons surrounded and assaulted. Firstly, omnibua allegation is against all the accused persons of causing injury on his head and later specific allegation is against Mithilesh



Paswan and Ramanand Paswan of repeating it by giving a iron rod blow on the head, causing serious injury. He was shifted to the hospital of Dr. Ram Naresh Singh whereafter the FIR.

4. Learned Counsel for the petitioners submit that due to land dispute, the said occurrence took place, omnibus allegations are there against them and some of the accused persons have been granted anticipatory bail by co-ordinate bench.

5. Learned Counsel for the informant, on the other hand, submits that so far as the grant of anticipatory bail by co-ordinate bench is concerned, the allegation against them was omnibus in nature. So far as this case is concerned, there is specific allegation against Mithilesh Pawan and Ramanand Paswan of giving iron rod blow on the left part of the head, causing serious injury. She has also drawn attention to the document of the clinic of Dr. Ram Naresh Singh to show that there has been injury in the occipital area of the head.

6. Taking into account the aforesaid facts, so far as the petitioner no. 1, Ramanand Paswan and petitioner no. 3, Mithilesh Paswan are concerned, it would be appropriate that they seek bail, their anticipatory bail application stands rejected.

7. So far as the petitioner no. 2, Shivnandan Paswan is



concerned, omnibus allegation is there against him and taking into account that similar situate other accuseds have been granted anticipatory bail in Cr. Misc. No. 85087 of 2023 by co-ordinate bench, this Court is inclined to extend him privilege of anticipatory bail.

8. Let the petitioner no. 2, Shivnandan 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 J.M.-1st Class, Begusarai in connection with Nima Chandpura P.S. Case No. 98 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 no. 2, Shivnandan Paswan, who shall provide official document to show his *bona fide*;

(ii) the petitioner no. 2, Shivnandan 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 his bail bond by the Trial court itself;

(iii) the petitioner no. 2, Shivnandan Paswan shall appear before the concerned police station every fortnight for



next six months to mark attendance;

(iv) the petitioner no. 2, Shivnandan 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 petitioner no. 2, Shivnandan Paswan 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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