

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82390 of 2023

Arising Out of PS. Case No.-711 Year-2022 Thana- BELAGANJ District- Gaya

1. Dukhan Paswan @ Pramod Paswan Son Of Jai Ram Paswan R/O Village- Singhaul, P.S.- Belaganj, Dist.- Gaya
2. Rakesh Paswan @ Navin Kumar Paswan Son Of Sri Ram Paswan @ Siram Paswan R/O Village- Singhaul, P.S.- Belaganj, Dist.- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioners and
learned APP for the State.

2. In the present case, the petitioners are apprehending arrest in connection with Belaganj P.S. Case No. 711 of 2022, registered on 01.12.2022 for the offences under Sections 448, 341, 323, 379, 354(b), 427, 504 and 308/34 of the Indian Penal Code.

3. As per prosecution case, the petitioners without any provocation, assaulted the informant and disrobed her. When her husband and other family members tried to save her, other co-accused persons assaulted them with lathi and iron rod causing fracture injury on the head of the husband of the



informant and other injuries to other family members. The assailants took away ₹35,000/- from the shop of the informant and also damaged the articles of the shop.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioners and the informant are neighbours and the informant happens to be the sister-in-law of petitioner no.1 by village relation. Petitioner no.1 was teasing and jeering the informant while the situation got aggravated due to intervention of the family members of the informant who felt bad about it, which resulted into fight between two groups, causing injury to the members of both groups. Learned counsel further submits that the injuries of the informant's side is non-serious and simple in nature. Learned counsel further submits that similarly placed co-accused Udal Paswan and another have been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 07.07.2023 passed in Cr. Misc. No. 29643 of 2023. From bare perusal of the FIR, it is apparent that no offence under Sections 308 and 354(b) is made out against the petitioners and allegation of theft is only ornamental. The petitioners are having clean antecedent.

5. Learned APP opposes the submission made on



behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the simple nature of injuries of the victim, let the petitioners above named, in the event of arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya/concerned court in connection with Belaganj P.S. Case No. 711 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

Amrendra/-

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