

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 81877 of 2023

Arising Out of PS. Case No.-635 Year-2022 Thana- FATEHPUR District- Gaya

1. Bajrangi Paswan Son of Late Jagdeesh Paswan R/o vill - Naudiha Jhurang, P.O. - Naudiha Jhurang, P.S. - Fatehpur, Dist. - Gaya
2. Nitish Kumar Son of Bajrangi Paswan R/o vill - Naudiha Jhurang, P.O. - Naudiha Jhurang, P.S. - Fatehpur, Dist. - Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Nath Jha
For the Opposite Party/s : Mr. Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-01-2024 Heard Mr. Dharendra Nath Jha, learned counsel appearing on behalf of the petitioners and the learned APP for the State.

2. The petitioners apprehend their arrest in connection with Fatehpur P.S. Case No. 635 of 2022 registered for the offence punishable under Sections 341/323/308/504/506/34 of the Indian Penal Code.

3. It is alleged that on 17.10.2022, the petitioners and other co-accused persons called the informant and her family members to their house for the purpose of mediation in the matter of affair between the boy and girl. In course of mediation, the accused persons started abusing the informant.



On protest being made, the petitioner no. 1, Bajrangi Paswan assaulted the informant by means of *tangi* due to which she sustained injury on her forehead. It is further alleged that when her husband came to her rescue, co-accused Ranjeet Kumar and Roushan Kumar also assaulted him by means of *lathi*.

4. It is submitted on behalf of the petitioners that the reason behind the said occurrence is a long standing enmity on account of a criminal case lodged by the wife of the petitioner no. 1 against the informant, Rita Devi vide Fatehpur P.S. Case No. 264 of 2011 in which trial is going on and almost all the witnesses have been examined and thus only in order to settle the score and with a view to put pressure to withdraw the case, the present FIR has been instituted. He further submits that so far the injury sustained to Rita Devi is concerned, the same has been found to be lacerated wound 2 ½ " x ¼ " skin deep. Though the opinion is reserved till X-ray and CT scan report from the ANMCH, Gaya but *prima facie* it appears to be not grievous in nature. He next submits that only because of the petitioner no. 1 being head of the family and a government employee, who is working as a Teacher in Middle School, his name has been implicated in this case. Moreover, there is no allegation against petitioner no. 2 who is the son of petitioner



no.1.

5. On the other hand, learned APP for the State opposes the pre-arrest bail application and submits that the specific allegation has been levelled against petitioner no. 1 of causing *tangi* blow.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of dispute and the fair antecedent of the petitioners and the fact that the informant has sustained a lacerated wound over her forehead, which is skin deep, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-X, Gaya in connection with Fatehpur P.S. Case No. 635 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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