

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4579 of 2024

Arising Out of PS. Case No.-554 Year-2023 Thana- MASAUDHI District- Patna

Suresh Paswan S/o - Nathun Paswan Resident of Village - Mohaddinagar,
P.S.-Masaurhi, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sushil Jha, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 26-02-2024 Learned counsel for the petitioner 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 petitioner and learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in connection with Masaurhi P.S Case No. 554 of 2023 dated 06.08.2023 registered for the offence punishable u/s 341, 323, 325, 307, 504/34 of the Indian Penal Code.

4. As per the prosecution case, the petitioner and the co-accused persons are alleged to have assaulted the informant on his head by means of *lathi* and *danda*. The co-accused *Nitish Kumar* assaulted on the head of the informant's father with iron



rod causing head injury. The co-accused Navlesh Kumar also assaulted on the head of the informant's uncle with iron rod causing injury.

5. Learned counsel for the petitioner has submitted that the petitioner is quite innocent and has falsely been implicated in this case. The petitioner has committed no offence as alleged in the F.I.R. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. Learned counsel has further submitted that the specific allegation of assault is against co-accused persons. There is no specific allegation of assault against the petitioner. The allegation against the petitioner is general and omnibus in nature. Learned counsel has further submitted that there is a case and counter case between the parties and the petitioner side also lodged a F.I.R. bearing Masaurhi P.S. Case No. 556 of 2022 against the informant and his family members and as per the F.I.R. itself, there is a land dispute between the parties.

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

7. Considering the aforesaid facts and circumstances of the case, as well as the allegation being general and omnibus against the petitioner, let the above named petitioner, in the



event of his 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) with two sureties of the like amount each to the satisfaction of the learned court concerned, Masaurhi in connection with Masaurhi P.S. Case No. 554 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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