

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11251 of 2024

Arising Out of PS. Case No.-106 Year-2023 Thana- FULKAHA District- Araria

1. Ramkhelan Paswan S/o Kishori Paswan R/o village-ward-9 Nawabganj, P.S. Fulkha, Distt-Araria
2. Kishori Paswan S/o Late Laxmi Paswan R/o Village ward-9 Nawabganj, P.S. Fulkaha, Distt- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Singh, Advocate
For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 08-07-2024 Heard learned counsel for the parties.

2. The petitioners apprehend their arrest in a case registered for the offence under Sections 341, 323, 324, 307, 379, 504, 506, 34 of the Indian Penal Code.

3. As per the prosecution case, on the alleged date and time of occurrence, informant and his wife were sitting in their house, in the meantime, all the accused persons started pelting bricks. It is further alleged that this petitioner No.1 inflicted cut injury on the arm of informant and fracture injury on the arm of his wife and also took away all articles and jewellery from the house of the informant.

4. Learned counsel for the petitioners submits that as per prosecution case, 11 F.I.R. named accused persons



including this petitioner are alleged to have assaulted the informant and others. Allegation of assault is general and omnibus. As per allegation, on the order of petitioner No.2, petitioner No.1 alleged to have assaulted the informant and his wife. There is no allegation of any assault against petitioner No.2.

5. Learned A.P.P. for the State has opposed the bail petition.

6. Considering the fact that specific accusation of assault against petitioner No.1 causing grievous injury, prayer for bail of petitioner No.1 is rejected. So far as bail of petitioner No.2 is concerned, there is no allegation of assault, he is only order giver. Let the above named petitioner No.2, in the event of his arrest or surrender within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Araria, in connection with Fulkaha P.S. Case No. 106 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Prabhat Kumar Singh, J)

