

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3356 of 2025

Arising Out of PS. Case No.-377 Year-2024 Thana- AAJAM NAGAR District- Katihar

1. Bimal Paswan, Son of Baijnath Paswan, Resident of Village- Kandol Ward No 10, P.S.- Azamnagar, District- Katihar
2. Shrawan Paswan @ Sarwan Paswan, Son of Baijnath Paswan, Resident of Village- Kandol Ward No 10, P.S.- Azamnagar, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 15-02-2025 Heard learned Advocate for the petitioners and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Azamnagar P.S. Case No. 377 of 2024 registered for the offences punishable under Sections 126(2)/115(2)/118(1), 117(2), 303(2), 351(2) and 3(5) of the Bhartiya Nyaya Sanhita.

3. On the fateful day, while the informant was sitting in his house, he came to know that his younger brother Ranjit Paswan is indulged in quarrel, whereupon he rushed to the place of occurrence and brought his brother to home. In the meanwhile, all the F.I.R. named accused persons, including the petitioners, barged into the house of the informant and started



abusing and assaulting him by means of Lathi and Danda, due to which he sustained injury. It is specifically alleged that petitioner no.1 assaulted the informant by means of a sharp cutting weapon, due to which he received injury on his left hand and on his one finger. It is also alleged that the accused persons, including the petitioners, also assaulted the younger brother of the informant and snatched the valuables of his family members.

4. Learned Advocate for the petitioners contended that there is a counter version of the present case, being Azamnagar P.S. Case No. 381 of 2024, instituted against the informant and others. In fact, the informant and his family members were aggressor and they have brutally assaulted the petitioners and their family members, thus some delay has taken place in institution of case, in getting their treatment done. Moreover, the injury, allegedly sustained to the informant has been found to be simple in nature. In support of the submissions advanced, the injury report has been brought on record as Annexure- A/4 Series. It is also the contention of the petitioners that on account of a dispute, as has arisen due to partition in the family, both the parties have entered into a free fight, resulting into injuries to both sides. The petitioners are having fair antecedent and they undertake that they will fully cooperate in the investigation or



in the proceeding of the court.

5. On the other hand, learned APP for the State opposes the bail application and submits that the petitioners have not only actively participated in the crime, but brutally assaulted the informant and his brother.

6. Regard being had to the submissions made on behalf of the parties and considering the factum of case and counter case, coupled with the fair antecedent and the genesis of the occurrence, let the petitioners, named above, in the event of their arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Azamnagar P.S. Case No. 377 of 2024, 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 relative of the petitioner.

(Harish Kumar, J)

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