

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.11737 of 2025**

Arising Out of PS. Case No.-260 Year-2023 Thana- RANIYATALAB District- Patna

MITHU PASWAN @ MITHU KUMAR DAROGA PASWAN @ BIJENDRA  
PASWAN R/O VILL- MADHUBAN, P.S- RANITALAB, DISTT.- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary

For the Opposite Party/s : Mr. Shailendra Kumar

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA  
ORAL ORDER**

- 2      03-04-2025      1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Rani Talab Police Station Case No. 260 of 2023, dated 08.08.2023, disclosing offences under Sections 341/323/325/307/504/506/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that on 07.08.2023, in the night at about 10:00 PM, while the informant was going towards his home from the field, he heard a noise and proceeded towards the place from where the sound was coming. He saw that for stealing she-goat of Mukti Yadav, the petitioner and other accused persons were there. When the informant stopped



them from making noise, all the accused persons, including the petitioner, assaulted the informant and threatened to kill him. It has further been alleged that the petitioner assaulted the informant by means of lathi on his head due to which he sustained injury near his eyes and on head.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in the present case due to theft of she-goat of co-villager Mukti Yadav. The occurrence has taken place on 07.08.2023, however, First Information Report has been lodged on 08.08.2023 by the informant, who is a victim himself. Referring to the impugned order, learned counsel submits that the paragraph-3 of the case diary contains the restatement of the informant, in which he has supported the prosecution and stated that he was treated at hospital at Bikram, where the doctor referred him to PMCH, Patna for further treatment and he was under treatment at PMCH, Patna. Accordingly, the submission is that if the informant was admitted in PMCH, Patna, for further treatment, he could not have lodged the First Information Report on



08.08.2024 under his signature on the basis of written report. He further submits that no fardbayaan of the informant was recorded in the hospital and First Information Report has been lodged on the basis of written report of the informant. The injury caused to the informant has not been produced before learned Additional Sessions Judge III, Danapur, during the course of argument by the prosecution side.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the scuffle between the parties took place on trivial issue of theft of she-goat and the prosecution has not produced the injury report, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate First Class, Danapur, in connection with Rani Talab Police Station Case No. 260 of 2023, subject to the



condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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