

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27524 of 2025

Arising Out of PS. Case No.-576 Year-2024 Thana- PAHARPUR District- East Champaran

1. Lalan Paswan Son of Late Shankar Paswan vill - Laguniya, Ward no. 13, P.S.- Paharpur Dist -East Champaran
2. Mannan Paswan son of Late shankar Paswan vill - Lguniya, Ward no. 13, P.S.- Paharpur Dist -East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar II, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-05-2025 Heard Learned Counsel for the petitioners and
Learned A.P.P for the State.

2. The petitioners are apprehending arrest in connection with Paharpur P.S. Case No. 576 of 2024 lodged on 28.12.2024, for the offence punishable under Sections 126(2), 115(2), 118(1), 109(1), 303(2), 352, 351(3) & 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution, FIR has been lodged against five named accused persons (including the present petitioners) and two unknown persons. It has been alleged in the FIR that petitioners have assaulted the informant, his brother as well as his uncle by *farsa* and iron rod due to which injury has been



caused. The allegation of snatching golden chain as well as Rs. 10,000/- cash is also there in the FIR.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that the informant and petitioners are co-villagers and land dispute is going on between them. Counsel submits that petitioners' mother filed a Title Suit No.12/2010 against the informant's family and suit is running in the court of Sub-Judge, Motihari. Counsel submits that the injury report has been attached and the injury as identified by the doctor is not supporting the allegations made in the FIR as, it has come in the report that the injuries are simple in nature caused by hard and blunt substance. Counsel further submits that other vital point in this case is that the date of alleged occurrence is 21.12.2024 but the present FIR has been lodged on 28.12.2024. Counsel submits that petitioners have no criminal antecedent. Counsel submits that another FIR has been lodged by the petitioners' side against the informant and other family members bearing SC/ST P.S. Case No.87/2024 and only with a view to save the skin, the present case has been filed.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that upon bare reading of the



FIR, it become crystal clear that the specific allegation of assault is against both the petitioners upon the informant, brother as well as uncle. Counsel further submits that in the rejection order of the Sessions Court, it has come that injuries caused by the petitioners are on the head which is a vital part of the body. Counsel further submits that it is true that FIR has been lodged on 28.12.2024, but in the *fardbayan*, the signature is on different date.

6. After hearing the parties and upon going through the specific allegation of injury caused on the head, this Court is not inclined to grant bail to the petitioners. Accordingly, the prayer for anticipatory bail of the petitioners are hereby rejected.

(Dr. Anshuman, J)

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