

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36266 of 2025

Arising Out of PS. Case No.-73 Year-2024 Thana- PANDARAK District- Patna

1. Sudama Paswan S/O Brij Paswan @ Brij Nandan Paswan @ Brij Nanadan Das @ Brije Paswan R/O Village- Rashula, P.S- Pandarak, Distt.- Patna.
2. Chhotan Paswan S/O Brij Paswan @ Brij Nandan Paswan @ Brij Nanadan Das @ Brije Paswan R/O Village-Rashula, P.S- Pandarak, Distt.- Patna.
3. Tunna Paswan @ Tuntun Paswan S/O Brij Paswan @ Brij Nandan Paswan @ Brij Nanadan Das @ Brije Paswan R/O Village- Rashula, P.S- Pandarak, Distt.- Patna.
4. Pintu Kumar S/O Kailu Paswan R/O Village- Rashula, P.S- Pandarak, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 20-06-2025 Heard Rajesh Kumar Sinha, learned counsel for the petitioners and Mr. Shailendra Kumar Singh, learned APP for the State.

2. The petitioners apprehend their arrest in connection with Pandarak P.S. Case No. 73 of 2024 dated 26.03.2024 registered for the offences punishable under sections 341, 323, 307 read with section 34 of the Indian Penal Code.

3. The main submissions advanced by petitioners' counsel are that the FIR has been registered against six persons including the petitioners but against the petitioners, there is no



specific allegation and the FIR itself goes to show that the alleged occurrence was not committed in a planned manner rather the same happened in the spur of moment as per the prosecution. It is further submitted that on the alleged day of occurrence, there was Holi festival and initially, as per the prosecution story, the petitioners indulged in quarreling and raising *hulla* with each other and then the informant intervened to stop them and thereafter, the informant and his family members were assaulted by the petitioners and co-accused persons and the said story clearly shows that the petitioners did not assault the said injured persons intentionally. It is further submitted that the alleged offence punishable under section 307 of IPC is not attracted in this matter as all the injuries found on the injured persons have been opined to be simple in nature and the petitioners have fair and clean antecedent.

4. Learned APP appearing for the State has opposed the bail prayer of the petitioners and submits that several persons were assaulted by the petitioners and they do not deserve to the relief of anticipatory bail.

5. In the facts and circumstances of this case and considering the aforesaid submissions, mainly the facts that there is no specific allegation against the petitioners and they have



fair and clean antecedent and the injured persons sustained simple injuries as stated above and there is case and counter case in between both the parties, in my opinion, in the said circumstances, the petitioners deserve to the relief of anticipatory bail. Accordingly, let the petitioners named-above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Pandarak P.S. Case No. 73 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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