

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62444 of 2024

Arising Out of PS. Case No.-128 Year-2019 Thana- KALYANPUR District- Samastipur

1. Rajaram Paswan Son of Mahendra Paswan Resident of Village - Balbhadrapur Khajuri, P.S. - Kalyanpur, District - Samastipur
2. Guljar Paswan Son of Late Bindeshwar Paswan Resident of Village - Balbhadrapur Khajuri, P.S. - Kalyanpur, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhay Shanker Singh

For the Opposite Party/s : Mr.Ram Sumiran Rai

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL ORDER

6 22-04-2025 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 341, 323, 379, 307, 354, 380, 376, 511 and 448 of the Indian Penal Code.

3. The prosecution case is based upon a complaint filed by one Laxmi Paswan who has alleged that petitioner Rajaram Paswan had entered in his house in a drunken state and had tried to outrage the modesty of his wife and thereafter had even resorted to assaulting by way of iron rod on the head of the informant. This complaint was sent for institution of FIR under Section 156(3) of the Cr.P.C.



4. Learned counsel for the petitioners, at the outset, submits that the complaint case is of the year 2011 and after 8 years of the institution of the complaint, the same was sent for institution of FIR under Section 156 (3) of the Cr.P.C. Learned counsel for the petitioners further submits that the informant has very cleverly concealed the fact that petitioner no. 1 Rajaram Paswan is his own brother while petitioner no. 2 is his nephew. It has also been submitted that, besides the concealment of the relationship between the petitioner and the informant, he has also suppressed the fact that there is a land dispute going on between the parties and since he wants a share in the property, he has resorted to such deceitful pressure tactics. Learned counsel further submits that the present case is nothing but a counter blast of Kalyanpur P.S. Case No. 73 of 2011 filed by the wife of petitioner no. 1 Rajaram Paswan against the informant. It has also been brought to the notice of the Court that as against the allegation there is absolutely no injury suffered by the complainant/informant and the said fact would be evident from the case diary also in which it has been reported that the informant did not get himself medically examined in any Government Hospital and there is no document with regard to treatment available.



5. Learned APP for the State has opposed the application for anticipatory bail.

6. Considering all the above-mentioned facts and circumstances and also considering that the petitioners have no criminal antecedent, let the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Kalyanpur P.S. Case No. 128 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Soni Shrivastava, J)

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