

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69584 of 2024

Arising Out of PS. Case No.-295 Year-2024 Thana- FATUA District- Patna

1. Bihari Kumar @ Bihari Paswan Son of Raj Kumar Paswan Resident of Village- Kharfar, P.S.- Fatuha, Distt.- Patna
2. Santosh Kumar @ Santosh Paswan Son of Brahmdeo Paswan Resident of Village- Kharfar, P.S.- Fatuha, Distt.- Patna
3. Raj Kumar Paswan Son of Late Chandrika Paswan @ Chanari Paswan Resident of Village- Kharfar, P.S.- Fatuha, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

4 22-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioners are apprehending their arrest in connection with Fatuha P.S. Case No. 295 of 2024 for the offence under Sections 341, 323, 307, 504, 506 and 34 of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution story, the informant has alleged that on 15.05.2024, he along with his uncle, were talking regarding construction of the house over his land. In the meantime, all the accused persons came there carrying fire arms in their hands. It is further alleged that petitioner no. 2, namely, Santosh Kumar fired a bullet on the informant but he narrowly



escaped from it. Thereafter, it is alleged that all the accused persons assaulted the informant and his uncle by means of butt of the pistol, '*Lathi*' and '*Danda*'.

4. Learned counsel for the petitioners submit that the petitioners are quite innocent and have committed no offence as alleged and have falsely been implicated in the present case due to local village politics. The prosecution story is quite false, baseless and there is no truth behind it as stated in the F.I.R. From bare perusal of F.I.R., it transpires that there are general allegation of assault by means of Lathi and Danda and there is no fire arms injury caused to anyone which proves that a false and concocted case has been filed against the petitioners. It is further evident that there is land dispute between the petitioners and the informant. All the Sections are bailable except Section 307 of Indian Penal Code and 27 of the Arms Act. Section 307 of Indian Penal Code and Section 27 of Arms Act have got no application in the present case and there was no any intention to kill the informant or his uncle.

5. Learned APP opposes the prayer for bail.

6. During course of argument, learned counsel for the petitioners submits that there are general and omnibus allegation against the petitioners and there is admitted land dispute



between both the parties, prior to the alleged occurrence. The injury report issued by Patna Medical College and Hospital (PMCH) shows that there is no evidence of intracranial bleed and calvarial fracture have been found on the body of injured. Keeping in view the aforesaid facts, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate - I, Patna City, in connection with Fatuha P.S. Case No. 295 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(S. B. Pd. Singh, J)

Ankit Kumar/-

U		T	
---	--	---	--

