

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72738 of 2024

Arising Out of PS. Case No.-484 Year-2023 Thana- RAFIGANJ District- Aurangabad

1. Dindayal Paswan @ Deendayal Paswan Son of Late Naresh Paswan R/o Village- Nima Wajid, PS- Rafiganj, District- Aurangabad
2. Pradeep Kumar @ Pradeep Paswan S/o Late Naresh Paswan R/o Village- Nima Wajid, PS- Rafiganj, District- Aurangabad
3. Sujit Kumar S/o Late Naresh Pswan R/o Village- Nima Wajid, PS- Rafiganj, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Bhaskar Shankar, Advocate
For the State	:	Ms. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 05-02-2025 Heard learned counsels for the parties.

2. At the outset, learned counsel appearing on behalf of the petitioners seeks permission to withdraw the anticipatory bail application on behalf of Petitioner No. 3, namely Sujit Kumar, as during pendency of this case, Petitioner No. 3 has already been arrested and the same has become infructuous.

3. Permission, as prayed for, is accorded.

4. Accordingly, the anticipatory bail application on behalf of Petitioner No. 3 is dismissed as withdrawn.

5. The Petitioner Nos. 1 and 2 apprehend their arrest



in a case registered for the offence punishable under Sections 307, 379, 341, 323, 504, 506, 147, 148 and 149 of the Indian Penal Code and Section 27 of the Arms Act.

6. As per prosecution case, on 07.11.2023, while the informant was cultivating his land, in the meantime, all the accused persons named in the F.I.R., including these petitioners and some unknown persons came there variously armed with weapons and started assaulting informant and others. It is alleged that these petitioners, along with other accused persons, assaulted sons of informant, namely Sailesh Paswan and Amresh Paswan. Lastly, it is alleged that all the accused persons snatched gold chain from Maju Devi and fled away.

7. It is submitted by learned counsel for the petitioners that petitioners are innocent and have committed no offence. There are general and omnibus allegation of assault against this petitioners. Though it is alleged that these petitioners, along with other accused persons, assaulted Sailesh Paswan but there is no injury report on record to substantiate the allegations. So far as Amresh Paswan is concerned, as per F.I.R., more than seven persons are alleged to have assaulted him but doctor has found only three injuries on the body of Amresh Paswan. As a matter of fact, on account of land dispute, a free fight took place



between the parties in which both sides sustained injuries. There is case and counter-case between the parties. Rest of the allegations are ornamental in order to make the case grievous. Petitioners claim clean antecedents.

8. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioners and submitted that petitioners are named in the F.I.R. and there is specific accusation that they, along with other accused persons, assaulted informant and his family members.

9. Considering the aforesaid facts and circumstances, general and omnibus nature of accusation, case and counter-case between the parties and clean antecedents of the petitioners, the prayer for grant of anticipatory bail to Petitioner Nos. 1 and 2 is allowed.

10. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named Petitioner Nos. 1 and 2 be enlarged 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 A.C.J.M.-IV, Aurangabad in connection with Rafiganj P.S. Case No. 484 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.



11. With the aforesaid directions, this application stands disposed of.

(Prabhat Kumar Singh, J)

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