

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76467 of 2024

Arising Out of PS. Case No.-195 Year-2024 Thana- MOTIPUR District- Muzaffarpur

1. Mithlesh Paswan @ Mithlesh Kumar S/o Mahesh Paswan R/O Vill- Chakchuhar,P.S. and P.O.- Motipur,Distt.- Muzaffarpur, Bihar.
2. Mahesh Paswan S/O Late Sohan Paswan R/O Vill- Chakchuhar,P.S. and P.O.- Motipur,Distt.- Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 79216 of 2024

Arising Out of PS. Case No.-195 Year-2024 Thana- MOTIPUR District- Muzaffarpur

1. Rampari Devi Wife of Indradev Paswan Resident of Village- Chakchuhar, P.S- Motipur, District- Muzaffarpur
2. Khushbu Devi @ Khushbhu Devi Wife of Rakesh Kumar Resident of Village- Chakchuhar, P.S- Motipur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 80613 of 2024

Arising Out of PS. Case No.-195 Year-2024 Thana- MOTIPUR District- Muzaffarpur

Indradev Paswan S/O Late Bhuneshwar Paswan R/O Village - Chakchuhar, Police Station - Motipur., District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 83892 of 2024

Arising Out of PS. Case No.-195 Year-2024 Thana- MOTIPUR District- Muzaffarpur



Rakesh Kumar @ Rakesh Paswan S/o- Indradev Paswan Village- Chakchuhar
Police Station- Motipur District-Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 76467 of 2024)
For the Petitioner/s : Mr. Santosh Kumar, Advocate
For the State : Mr. Mritunjay Kumar Nirala, APP
For the Informant : Mr. Sanjeev Kumar, Advocate
(In CRIMINAL MISCELLANEOUS No. 79216 of 2024)
For the Petitioner/s : Mr. Sanjay Kumar S.K, Advocate.
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP
(In CRIMINAL MISCELLANEOUS No. 80613 of 2024)
For the Petitioner/s : Mr. Sanjay Kumar S.K, Advocate
For the Opposite Party/s : Mr. Md. Ataur Rahman, Advocate
(In CRIMINAL MISCELLANEOUS No. 83892 of 2024)
For the Petitioner/s : Mr.Sanjay Kumar S.K, Advocate
For the Opposite Party/s : Mr. Syed Ehteshamuddin, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 10-01-2025 Since all the petitions arise out of Motipur P.S. Case
No. 195 of 2024, as such, they have been taken up together and
are being disposed of by this common order.

2. Heard learned counsels for the petitioners and
learned A.P.P. for the State as well as learned counsel for the
informant.

3. In this case, the petitioners are apprehending their
arrest in connection with Motipur P.S. Case No. 195 of 2024,
registered on 01.06.2024 for the offences under Sections 341,
447, 323 and 302/34 of the Indian Penal Code.

4. As per prosecution case, the petitioners and other



co-accused persons assaulted the father of the informant with iron rod, *lathi* and *danda* when the father of the informant asked them to remove the earth from his doors. The father of the informant lost his life in the assault and he was declared brought dead when taken to hospital. The assailants also tried to strangle the informant.

5. Learned counsels for the petitioners submit that the petitioners are innocent and have been falsely implicated in this case. The allegations are completely false and concocted and not believable. The post-mortem report shows death occurred due to hemorrhagic shock and contusion found on right side of the head. Apart from the head injury, another injury was abrasion over right arm of size 5" x 1/4". The allegation of assault by iron rod on the head of the deceased is against co-caused Prakash Paswan and Jaylal Paswan and there is general and omnibus allegation against all other co-accused persons as altogether 18 persons have been made accused in this case. It is not believable that 18 persons assaulted the father of the informant and there has been no corresponding injuries. It shows the FIR has been lodged making false and concocted allegations as a written typed report has been filed apparently taking help of legal mind. Petitioner Indradev Paswan and



Rakesh Kumar @ Rakesh Paswan are having antecedent of one case whereas other petitioners are having clean antecedent.

6. Learned APP as well as learned counsel appearing on behalf of the informant vehemently oppose the prayer for anticipatory bail. Learned counsel for the informant submits that there is allegation of assault against all the petitioners and other co-accused persons and father of the informant died due to this assault and the post-mortem report shows death occurred due to injury caused in this assault. Another co-accused Phulwa Devi has been granted regular bail by this Court vide order dated 03.10.2024 passed in Cr. Misc. No. 70830 of 2024 and the petitioners do not deserve to be enlarged on anticipatory bail.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the absence of specific allegation against the petitioners and absence of corresponding injuries and also considering the strong possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand Only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st,



Muzaffarpur/court concerned in connection with Motipur P.S.
Case No. 195 of 2024, subject to the conditions as laid down
under Section 438(2) of the Code of Criminal Procedure and
other following conditions:

- (i) One of the bailors will be a close relative of the
petitioners.
- (ii) The petitioners will remain present on each and
every date fixed by the court below, if so required
by the learned trial court.

(Arun Kumar Jha, J)

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