

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89994 of 2024

Arising Out of PS. Case No.-65 Year-2024 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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Mahesh Paswan Son of Shri Paswan R/O - Makhan Tola, Simri Bakhtiyarpur,
P.S - Bakhtiyarpur, Distt- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Jiban Pd. Singh

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

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 22-01-2025 1. Heard the parties.

2. This is second anticipatory bail application filed by the petitioner apprehending his arrest in connection with Bakhtiyarpur P.S. Case No. 65 of 2024 dated 17.02.2024 registered under Sections 341, 323, 324, 504, 506, 307, 379, 34 of the I.P.C.

3. The prosecution case as per the first information report is that on 11.06.2017 the informant paid a sum of Rs. 90,000/- to the petitioner namely, Mahesh Paswan as an advance for purchasing land, however, neither the petitioner executed sale deed nor he returned the aforesaid amount. On 17.02.2024 the petitioner came to his house and assaulted him by means of iron rod due to which the informant sustained injury on his head.



Upon alarm being raised, the wife and daughter of the informant came at rescue, upon which the petitioner assaulted them also and snatched “mangalsutra” and earrings from the informant’s wife.

4. Learned counsel for the petitioner submits that charge sheet has been submitted but Section 307 I.P.C. has not been included in the charge sheet. The injury caused to the informant has been found to be simple in nature.

5. Be that as it may, in my opinion, it cannot be a fresh ground for seeking anticipatory bail for the 2nd time inasmuch as earlier anticipatory bail application preferred by the petitioner has been rejected on 25.09.2024 vide Cr. Misc. No. 39829 of 2024. Accordingly, the prayer for anticipatory bail is rejected.

6. However, if the petitioner surrenders and seeks regular bail, the court below shall consider the same on its own merit without being prejudiced by the fact that the present anticipatory bail application has been rejected by this court.

(Anil Kumar Sinha, J)

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