

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89383 of 2024

Arising Out of PS. Case No.-181 Year-2023 Thana- KADWA District- Katihar

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1. Tuntun Paswan Son of Late Ramdeo Paswan Resident of Village - Bishanpur, P.S.- Kadwa, District -Katihar
 2. Subhash Paswan Son of Late Mahendra Paswan Resident of Village - Bishanpur, P.S.- Kadwa, District -Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Durgesh Nandan

For the Opposite Party/s : Mr.Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-01-2025 Heard Mr. Durgesh Nandan learned Advocate for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Kadwa P.S. Case No. 181 of 2023, registered for the offences punishable under Sections 341, 323, 379, 308, 504, 506/34 of the Indian Penal Code.

3. Based upon the written report, the prosecution alleges that while the informant was taking snacks, in the meantime, the petitioners along with Shankar Paswan came there and started abusing. On protest being made, co-accused Shankar Paswan inflicted knife blow upon the informant with



an intention to kill. There is further allegation that the petitioner no. 1 took away Rs.12,000/- from the pocket of the informant whereas petitioner no. 2 snatched the chain worth Rs.65,000/- from his neck.

4. Learned Advocate for the petitioners referring to the FIR contended that so far as the allegations against these two petitioners are concerned, the same are ornamental and concocted in nature only with a view to wreak vengeance and put pressure. There is a counter version of the present case being Kadwa P.S. Case No. 182 of 2023 instituted by co-accused Shankar Paswan. The entire allegation falls to the ground as the injury report of the informant does not corroborate the allegation whereas the informant has sustained a lacerated wound caused by hard blunt object, moreover the same is simple in nature. It is further contended that the petitioners bear fair antecedent and only on account of they being the friends of Shankar Paswan, their names have been implicated in this case on the suspected information that the petitioners were instrumental in getting transfer of the wife of the informant done.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the



petitioners have actively participated in the crime.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the factum of case and counter case, coupled with the fair antecedent of the petitioners, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar in connection with Kadwa P.S. Case No. 181 of 2023 , subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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