

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12122 of 2016

Arising Out of PS.Case No. -39 Year- 2015 Thana -MUSAHRI District- MUZAFFARPUR

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1. Madan Paswan son of Shivji Paswan
 2. Nagendra Paswan son of Rajendra Paswan
 3. Shivji Paswan son of Late Dhorha Paswan
 4. Kanti Devi wife of Madan Paswan
 5. Ramji Ram son of Late Khokhai Ram
 6. Chaitu Ram son of Late Khokhai Ram
- All are residents of village - Dhobhan, P.S. - Mushahari, District - Muzaffarpur.
7. Ramnath Sahani son of Late Budhu Sahani, resident of village - Rajwara Dih, P.S. - Mushahari, District - Muzaffarpur.
 8. Umesh Paswan son of Haricharan Paswan
 9. Rajendra Paswan son of Late Nandipat Paswan
 10. Asharfi Paswan son of Late Dhorha Paswan
 11. Ramprit Paswan son of Late Dhorha Paswan
 12. Bishwanath Paswan @ Bishwanath Pa son of Late Dhorha Paswan
- All are residents of village - Dhobhan, P.S. - Mushahari, District - Muzaffarpur.
13. Harendra Rai son of Late Sonelal Rai, resident of village - Rajwara Bhagwan, P.S. - Mushahari, District - Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Singh, Advocate
For the Opposite Party/s : Mr. P.K.Panday, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 18-03-2016 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners seek pre-arrest bail in connection with Mushahari P.S. Case No. 39 of 2015 registered under sections 147, 148, 149, 153A, 341, 323, 307, 392 and 504 of the Indian

Penal Code and section 27 of the Arms Act.

It is contended that as a matter of fact no such occurrence as alleged in the first information report ever took place. The entire story has been maliciously set up by the informant of the case. It is further contended that the land in question in which wheat crop was standing is a *Gairmajrua* government land which was allotted to the petitioners Vishwanath Paswan, Ramji Ram and others by issuing *Purcha* by the Sub Divisional Officer, the Deputy Collector Land Reforms and the Circle Officer in the year 2003-2004 vide Settlement Case No.20 of 2003-2004 and, thereafter, they came in possession over the land for which land receipt has also been issued in their favour. Thereafter, they started cultivating crop for their livelihood. It is also contended that three other accused persons, namely, Parsuram Pathak, Shatrudhan Sahani and Md. Taiyab having exact allegation to that of the petitioners have already been granted pre-arrest bail by a co-ordinate Bench vide order dated 15.10.2015 passed in Cr. Misc. No.45672 of 2015.

Learned counsel for the State has opposed the application for grant of anticipatory bail.

Regard being had to the facts and circumstance of the case, in the event of arrest or surrender before the court below

within six weeks from today, the above named petitioners are directed to be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Muzaffarpur in connection with Mushahari P.S. Case No.39 of 2015, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md.S./-

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