

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61480 of 2017

Arising Out of PS. Case No.-332 Year-2016 Thana- ARARIA District- Araria

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1. Ponu Paswan Son of Late Khairaku Paswan
 2. Somu Paswan @ Sonu Paswan Son of Late Khairaku Paswan
 3. Sanjay Paswan Son of Somu Paswan @ Sonu Paswan All are residents of village - Kanain Bhag, Police Station - Madanpur (Araria) in the district of Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar
For the Opposite Party/s : Mr. SRI UDAY PRATAP SINGH

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-12-2017 Heard learned counsel for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 147,149,341,323,354(B) and 504 of the IPC.

The prosecution case as per the Fardbeyan of Krityanand Paswan is to the effect that on 30.5.2016 at 1.30 P.M. all the seven accused persons including the petitioners came and started uprooting the fixed bamboo from the land of the informant. When the informant protested then all the accused persons started abusing and assaulting the informant. On alarm being raised when the informant's wife came to rescue, the petitioners started assaulting her also. Petitioner Somu Paswan



pulled the sari of the informant, as a result, she got partially disrobed and petitioner Ponu Paswan snatched chain, anklet and Rupees Four Thousand. When the informant went to save his wife then co-accused Ajay Paswan assaulted with iron rod on the informant causing bleeding injury, as a result the informant got unconscious.

It is submitted by learned counsel for the petitioners that the informant is the uncle of the petitioner nos. 1 and 2 and in the background of serious land dispute the accusation has been levelled. There is omnibus and general accusation of assault by the petitioners and others to the informant when there is specific accusation of assault to the informant against Ajay Paswan (non-petitioner). There is accusation of assault by the petitioners to the wife of the informant but from the FIR it appears that she received no injury. The accusation of pulling the sari of the informant is against Somu Paswan but it is submitted that it is more cosmetic in nature. Statement has been made in paragraph 3 of the petition that the petitioners are not having criminal antecedent. The accusation in the FIR further gets clouded from the fact that the fardbeyan was recorded on 3.6.2016 but the FIR came to be registered on 7.6.2016.

Learned APP submits that the accusation is specific against



the petitioners.

Considering the fact that the accusation has been levelled in the background of serious land dispute, statement made in paragraph 3 of the petition that the petitioners are not having criminal antecedent and the delayed lodging of the FIR, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM, Araria in connection with Araria (Madanpur) P.S. Case No.332 of 2016.

(Dinesh Kumar Singh, J)

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