

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70743 of 2018

Arising Out of PS. Case No.-231 Year-2017 Thana- RAXAUL District- East Champaran

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1. Udai Paswan, son of Dhanesh Paswan,
 2. Bhushan Paswan, son of Dhanesh Paswan,
 3. Rajlal Kumar, son of Dhanesh Paswan,
 4. Usha Devi, wife of Udai Paswan,
 5. Sima Devi, wife of Bhushan Paswan,
- All residents of Village- Siswa, P.S.- Raxaul, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv.
For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-12-2018 Heard learned Counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered
for the offences punishable under Sections
341/323/324/307/504/379/34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written
report dated 10.07.2017 submitted by Rajharan Paswan to the
Station House Officer, Raxaul Police Station to the effect that on
the same day at 7.00 A.M., while the informant was returning to
his house, he found that co-accused, Dhanesh Paswan along
with petitioner nos. 1 and 2, Udai Paswan and Bhushan Paswan
were obstructing the pathway of the informant. On protest being



made by the informant, the accused persons started assaulting him. It is further alleged that petitioner no.2, Bhushan Paswan assaulted mother of the informant, namely Laxmina Devi with an iron rod, whereas, petitioner no.1, Udai Paswan assaulted on the head of the informant's wife with a *khanti*. It is further alleged that petitioner no.4, Usha Devi snatched a pair of god earring from the informant's mother.

It is submitted by learned counsel for the petitioners that in the background of land dispute the accusation has been levelled. For the occurrence of 10.07.2017, the FIR was registered on 17.07.2017, which reached to the Court of SDJM on 19.07.2017. Though the injury of the mother of the informant, alleged to have been caused by petitioner no.2, has been found to be grievous, i.e. pain and swelling of right forearm lower end of ulna, but there is no accusation of repeating the blow. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that there is specific accusation against the petitioners, who are named in the FIR.

Considering the delayed lodging of the case and the accusation that out of two injuries one injury is alleged to have



been caused by petitioner no.2, which has altogether been found to be grievous, but there is no accusation of repeating the blow, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, 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 SDJM, Raxaul, East Champaran, in connection with Raxaul P.S. Case No.231 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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