

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62730 of 2018

Arising Out of PS. Case No.-132 Year-2018 Thana- MUSAHARI District- Muzaffarpur

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1. Ram Babu Paswan, Son of Singheshwar Paswan,
 2. Raghu Veer Paswan, Son of Late Birju Paswan,
 3. Munchun Paswan, Son of Ram Babu Paswan,
 4. Jitendra Paswan @ Jitendra Kumar Paswan, Son of Shyam Babu Paswan,
 5. Birendra Paswan, Son of Shyam Babu Paswan,
 6. Shambhu Paswan, Son of Late Moti Paswan,
 7. Ram Pravesh Paswan, Son of Late Nagendra Paswan,
 8. Mohan Paswan, Son of Late Ram Surat Paswan,
 9. Biru Paswan, Son of Nirash Paswan, All residents of Village- Baikathpur, Police Station- Mushahari, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Anand

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 13-12-2018 Heard learned counsel for the petitioners, learned counsel for the State as also learned counsel representing the informant.

Petitioners are apprehending arrest in connection with Mushahari PS Case No. 132 of 2018 for the offence under Sections 147, 149, 341, 307, 325, 354, 504, 506, 427 and 379 of the Indian Penal Code.

Learned counsel appearing for the petitioners submits that petitioners and the informant are *gotias* and there is land dispute between them on account of which the alleged



occurrence took place and both sides have sustained injuries. Learned counsel further submits that in the counter-case the informant's side has been granted bail whereas the petitioners who have sustained injuries have been denied bail.

Considering the totality of the fact situation, the Court finds substance in the submission advanced by learned counsel for the petitioners. So far as the case of petitioner nos. 1 to 5 and 8 and 9 are concerned, there is no specific allegation of assault against them and, therefore, petitioner nos. 1 to 5 and petitioner nos. 8 and 9 deserve the privilege of anticipatory bail.

In the event of arrest or surrender before the court below within a period of one month from today, the petitioner nos. 1 to 5, and petitioner nos. 8 and 9 above named, are directed to be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate 6th, Muzaffarpur in connection with Mushahari PS Case No. 132 of 2018 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as petitioner nos. 6 and 7 are concerned, there is allegation of assault against them. Considering the specific allegation against them the prayer for anticipatory bail on their



behalf is rejected.

In case petitioner nos. 6 and 7 above named surrender before the concerned court below and pray for regular bail the court below is directed to consider the application for regular bail on its own merit without being influenced by rejection of the application for anticipatory bail by this Court. The court while considering the prayer for regular bail shall also consider the fact that accused in the counter-case have been granted bail.

(Anil Kumar Upadhyay, J)

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