

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2041 of 2018

Arising Out of PS. Case No.-106 Year-2017 Thana- KEOTI District- Darbhanga

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1. Guddu Paswan @ Biku Paswan, S/o Jugeshwar Paswan, R/o village- Chora Madanpur, P.S.- Raiyam Distt.- Darbhanga.
 2. Ajay Paswan S/o Rishimuni Paswan, R/o Village- Pitho, P.S.- Kooti, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Narayan Mahto
For the Opposite Party/s : Mr. SRI RAJEEV NAYAN

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-01-2018 Heard learned counsel for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 448,341,323,307 and 354/34 of the IPC.

The prosecution case as per the fardbeyan of one Guran Sahni recorded by S.I. Ramashankar Paswan at DMCH, Darbhanga is to the effect that on 2.7.2017 at 3 O'clock the informant organized Panchayati for resolving the old dispute with the petitioner including co-accused but the accused persons did not recognize the Panchayat. All the accused persons started assaulting the informant and they damaged the house of the informant by pelting stones. It is further alleged that co accused Devendra Paswan ordered to kill the informant, on which



petitioner no. 1, who happens to be son-in-law of Devendra Paswan, assaulted with Farsa on the head of the informant whereas petitioner no. 2, Ajay Paswan assaulted the informant with bamboo stick on his head, as a result, the informant became severely injured and fell down. When the wife of the informant came to rescue, she was also assaulted.

It is submitted by learned counsel for the petitioners that the accusation has been levelled in the background of land dispute. On earlier point of time petitioners side lodged Keoti P.S. Case No. 22 of 2014 wherein the informant side were chargesheeted, hence they were pressurizing the petitioners side to compromise the case but on refusal, this case has been lodged. The impugned order does not reflect any grievous injury being caused to the informant side.

Learned APP submits that there is accusation of assault against the petitioner.

Considering the submissions of the parties and the fact that the accusation has been levelled in the background of serious land dispute, injury report is not on record, moreover, the learned Sessions Judge has also not discussed injury report in the impugned order, 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 CJM, Darbhanga in connection with Keoty P.S. Case No.106 of 2017, subject to the conditions laid down in Section 438(2) of the Cr.P.C.

The bail bonds of the petitioners will be accepted by the learned court below on verification of the injury report. If it is found that the informant has received grievous injury then the petitioners will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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