

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1810 of 2019

Arising Out of PS. Case No.-20 Year-2018 Thana- JADIA District- Supaul

1. Sushil Paswan @ Sushil Kumar Paswan, aged about 30 years (Male), Son of Late Surya Narayan Paswan, R/o- Jadiya, P.S. Jadia, District- Supaul.
2. Brajesh Paswan @ Brajesh Kumar Paswan, aged about 25 years (Male), Son of Late Chandeshwari Paswan, R/o-Village- Datua, P.S.-Jaida, District-Supaul.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arun, Adv.
For the Informant	:	Mr. Prafull Chandra Thakur, Adv.
		Mr. Dinesh Chaudhary, Adv.
For the Opposite Party/s	:	Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-01-2019 Heard learned counsels for the petitioners,
informant and the State.

The petitioners are languishing in custody since 30.11.2018 in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 448, 379, 307, 504, 506 and 427 of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the written report of Dinesh Paswan, dated 08.02.2018 submitted to the Station House Officer, Jadia Police Station, is to the effect that on 06.02.2018, at 1 A.M., the informant was sleeping with his family members, in the meantime, nine FIR named accused persons including the petitioners and six unknown persons variously armed entered



into the house of the informant and started robbing the articles. It is specifically alleged that co-accused Inderdeo Paswan took out Rs. 40,000/- from the trunk kept in the house, whereas, co-accused Lalan Paswan took out jewellery worth Rs. 1 lac and co-accused, Ramesh Mandal took out clothes worth Rs. 10,000/-. It is alleged that on the order of petitioner no.1, Sushil Paswan, petitioner no.2, Brajesh Paswan resorted to fire causing injury to the sister of the informant, namely, Pinki Kumari. On alarm being raised, when the villagers reached on the spot, the accused persons escaped from the scene.

It is submitted by learned counsel for the petitioners that the accusation has been levelled in the background of admitted land dispute. Though, there is accusation against petitioner no.2 of causing firearm injury to the sister of the informant, but the injury of the sister of the informant has been found to be simple. It is further submitted that petitioners' filed a complaint case against the informant's side, though, subsequent to the lodging of the present FIR. For the occurrence of 06.02.2018, the FIR was lodged on 08.02.2018. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned counsel for the informant submits that there is



specific accusation of committing dacoity against the petitioners and it specifically alleged against the petitioner no.2 that he caused firearm injury to the sister of the informant which is being corroborated by the medical opinion.

Considering the delayed lodging of the FIR, the accusation being levelled in the background of land dispute, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM-V, Supaul in connection with Jadia P.S. Case No. 20 of 2018.

(Dinesh Kumar Singh, J)

Amrendra/-

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