

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7420 of 2019

Arising Out of PS. Case No.-216 Year-2018 Thana- SAHEBGANJ District- Muzaffarpur

PUKAR PASWAN S/o Darshan Paswan Resident of Village - Semra,
Nizamat, P.S.- Sahebganj, District- Muzaffarpur

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Satya Nand Shukla

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-02-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner has been languishing in custody since 26.11.2018 in a case registered for offences punishable under Sections 147, 149, 341, 323, 307, 448 and 504 of the Indian Penal Code.

Prosecution case as per the fardbeyan of Raghunath Paswan recorded before the Himanshu Shekhar Jha, A.S.I., Brahmpura Police Station on 04.06.2018 is to the effect that the informant has only two daughters, who reside in their matrimonial house. Informant's brother -in-law Darshan Paswan, whose house is adjacent to the house of informant, used to pressurize the informant to transfer the house and land in favour of him or on his wife. It is alleged that on 01.06.2018, the petitioner along with his wife and three sons entered in the



house of informant and assaulted the informant. It is further alleged that petitioner assaulted on the head of informant with an iron rod and when brother and nephew of the informant came to rescue her, they were also assaulted by the petitioner and other co-accused persons.

It is submitted by learned counsel for the petitioner that there is counter version of the occurrence being, Sahebganj P.S. Case No. 326/18. It is further submitted that there is delay in lodging the F.I.R. as the occurrence is said to have taken place on 01.06.2018, whereas, the F.I.R was lodged on 04.06.2018. Further, there is no accusation of repetition of blow. A Statement has been made in paragraph no.3 of the petition that petitioner is not having any criminal antecedent.

Learned A.P.P. submits that the petitioner is named in the F.I.R and there is specific allegation against the petitioner of assaulting the informant.

Considering the fact that there is delay in lodging the F.I.R and there being a counter version of the case and genesis of occurrence which appears to be an earlier property dispute, coupled with the fact that the petitioner is not having any criminal antecedent, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Rs. Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate I, (West), Muzaffarpur, in connection with Sahebganj P.S. Case No. 216/18.

(Dinesh Kumar Singh, J)

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