

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7398 of 2019

Arising Out of PS. Case No.-56 Year-2017 Thana- BIHARSHARIF District- Nalanda

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Dhiraj Paswan @ Dhiraj Kumar, Son of Sudama paswan, aged about 23 years, Gender-Male, Resident of Village – Jhingnagar, P.S.-Bihar Sharif, District-Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha

For the Opposite Party/s : Mr. Pushpa Sinha.1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-02-2019 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 323, 341, 504, 506, 379 and 313/34 of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the written report of Rubi Devi, dated 09.02.2017, submitted to the Station House Officer, Bihar Police Station, is to the effect that on 08.02.2017 at 9 A.M., the parents of the informant came to know that all the FIR named accused persons including the petitioner are getting the construction done on the raiyati land of the informant and when the father of the informant made protest, thereupon, co-accused Sanjeet Paswan and Sanjay Paswan and other co-accused



persons started assaulting the father of the informant and also resorted to fire and when the informant came to rescue her father then she was also assaulted, as a result, the pregnancy of the informant got terminated. It is further alleged that the accused persons also snatched jewellery worth Rs. 60,000/- from the informant. Subsequently, co-accused Sanjeet Paswan was apprehended by the police.

It is submitted by learned counsel for the petitioner that the petitioner is the agnate of the informant and accusation against the petitioner is not specific. The specific accusation of assault has been alleged against co-accused Sanjeet Paswana and Sanjay Paswan. It is further submitted that in the background of land dispute, the accusation has been levelled against the petitioner. The ultrasound report of the informant does not suggest that the pregnancy of the informant got terminated, moreover, there is no injury report of the informant's side on record. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner is named in the FIR.

Considering the fact that no specific accusation of assault has been alleged against the petitioner, coupled with statement



made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned CJM, Nalanda at Bihar Sharif in connection with Bihar P.S. Case No. 56 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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