

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32231 of 2019

Arising Out of PS. Case No.-620 Year-2018 Thana- FORBESGANJ District- Araria

1. RAJENDRA PASWAN Son of Late Nengri Paswan Resident of Village- Musahri, Ward no. 03, P.S. Forbesganj, District- Araria.
2. Naresh Paswan son of Late Nengri Paswan Resident of Village- Musahri, Ward no. 03, P.S. Forbesganj, District- Araria.
3. Dinesh Paswan Son of Late Nengri Paswan Resident of Village- Musahri, Ward no. 03, P.S. Forbesganj, District- Araria.
4. Sharwan Paswan Son of Bhogan Paswan Resident of Village- Musahri, Ward no. 03, P.S. Forbesganj, District- Araria.
5. Mukesh Paswan @ Gholai Paswan Son of Rajendra Paswan Resident of Village- Musahri, Ward no. 03, P.S. Forbesganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma

For the Opposite Party/s : Mr.Ashraf Ansari

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 16-05-2019 Heard both sides.

The petitioners apprehend their arrest in Forbesganj P.S. case No. 620 of 2018 registered under Section 147, 149, 341, 323, 324, 307, 379, 354(B), 506,504 of the IPC.

The informant, Jeevan Paswan, claimed that he purchased land of Khesra No. 559, Khata No. 182, area 55 decimal situated near his house and while he was ploughing his land Mohan Paswan, Bhogan Paswan, Santosh Paswan, Deepak Paswan, Rajendra Paswan, petitioner No.1, Naresh Paswan, petitioner No.2, Mukesh Paswan, petitioner No.5, Shrawan Paswan, petitioner No.4, Dinesh Paswan, petitioner No.3,



having armed with different weapons, such as sword, iron rod and Lathi came on the field. Mohan Paswan and Bhogan Paswan assaulted the informant with sword on his head. Hearing alarm Kanhaiya Paswan came to save but Santosh Paswan assaulted him with sword. Deepak Paswan assaulted Pawan Paswan with sword on his head and on account of such blow ear of Pawan Paswan was severed. Rajendra Paswan, petitioner No.1, assaulted Pradip Paswan with sword on his head. Mukesh Paswan, petitioner No.5, assaulted Vijay Paswan with iron rod. Naresh Paswan, petitioner No.2, assaulted Shankar Paswan with iron rod on his right leg causing fracture injury on his right leg. Shrawan Paswan, petitioner No.4, assaulted Bisheshwar Paswan with iron rod on his head and hand. Bisheshwar Paswan got injury on his head and fracture in the hand. Dinesh Paswan, petitioner No.3, is alleged to have assaulted Abhay Paswan. Naresh Paswan also assaulted Sita Devi and others.

The learned counsel for the petitioners submits that petitioner No.1, Rajendra Paswan, purchased the land of plot No. 559, Khata No. 182, area 51 decimal from Shri Lila Nand Prasad in the year 2014. The informant did not produce any paper for purchasing the same land from the owner of land but claimed that he also purchased the land. It is further submitted



that on account of assault made by Rajendra Paswan, petitioner No.1, Pradip Paswan got one injury on his head but the same is simple in nature. Mukesh Paswan, petitioner No.5, assaulted Vijay Paswan but Vijay Paswan did not get any injury. Naresh Paswan, petitioner No.2, assaulted Shankar Paswan and Manu Paswan but neither Shankar Paswan nor Manu Paswan got any injury. Shrawan Paswan, petitioner No.4 assaulted Bisheshwar Paswan but Bisheshwar Paswan got one simple injury and he got one grievous injury on hand on account of fracture of bone. Dinesh Paswan, petitioner No.3, assaulted Abhay Paswan but Abahy Paswan also did not get any injury. It is further submitted that on the statement of Rajendra Paswan, Forbesganj P.S. case No. 621 of 2018 is registered against Jeevan Paswan and others in which Rajendra Paswan got grievous injuries on account of assault made by the informant and his side. Dinesh Paswan, labour of petitioner No.1, was also assaulted by the informant and his side for which Dinesh Paswan lodged Forbesganj P.S. case No. 557 of 2018 against informant and his side. It is submitted that no chit of paper is attached with the FIR showing title of the informant over the disputed land. The informant and his side was aggressor and on account of land dispute the occurrence took place.



It appears from perusal of the records that informant, of course, claimed to have owned the land of plot No. 559, Khata No. 182, area 55 decimal but the informant did not attach any paper showing his title over the land. There is counter version being Forbesganj P.S. case No. 621 of 2018 and petitioner No.1, Rajendra Paswan, is informant of the case. Rajendra Paswan got grievous injuries in the same occurrence for which two versions, case and counter case, are given.

Considering the facts aforesaid and nature of allegation made against the petitioners, the petitioners, above named, in the event of their arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on their furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Forbesganj P.S. case No. 620 of 2018, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Prabhat Kumar Jha, J)

