

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47867 of 2019

Arising Out of PS. Case No.-79 Year-2018 Thana- HAYAGHAT District- Darbhanga

NATHUNI PASWAN Son of Late Mahendra Paswan Resident of Village-
Ghosrama, Police Station- Hayaghat and District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha

For the Opposite Party/s : Mr.Tapeshwar Sharma

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-08-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 342, 323, 337, 338, 353, 332, 504, 506 and 188 of the IPC.

The prosecution case, as per the written report of Vimal Kumar Karn, Circle Officer, Hayaghat, dated 29.08.2018, submitted to the Station House Officer, Hayaghat Police Station, is to the effect that in pursuance to the order passed in C.W.J.C. No. 7223 of 2015 and as per the direction of the informant, Circle Amin and Circle Karamchari along with the police force went to remove the encroachment from Angan Bari Centre, situated at village Ghoshrama, which was under encroachment of the petitioner and when the informant asked the petitioner



Nathuni Paswan to remove the encroachment then his son denied to remove the same, thereafter, the daughter and wife of the petitioner Nathuni Paswan started abusing the informant and other police personnel. It is further alleged that the petitioner Nathuni Paswan entered into the premises of alleged Angan Bari Centre and tried to commit suicide after pouring kerosene oil on the body. Somehow, the petitioner Nathuni Paswan was apprehended, but all the accused persons got him released, thereafter 20-25 persons came and started abusing the informant and pelting stones.

It is submitted by learned counsel for the petitioners that the accusation of assault is not being corroborated by the medical opinion as none have received any injury. It is further submitted that over the land in question, the petitioner had constructed his house under Indira Awas Scheme and without initiating any encroachment proceeding, the house of the petitioner was being demolished. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent. Moreover, other co-accused persons have been granted privilege of anticipatory bail by this Court, vide order dated 10.04.2019, passed in Cr. Misc. No.21730 of 2019.



Learned APP submits that the petitioner is named in the FIR with specific accusation.

Considering the fact that the nature of accusation not being corroborated by any medical opinion, 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 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 Additional Chief Judicial Magistrate-IX, Darbhanga in connection with Hayaghat P.S. Case No. 79 of 2018, 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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