

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53176 of 2019

Arising Out of PS. Case No.-77 Year-2019 Thana- SARAI District- Vaishali

1. Dinesh Paswan, Aged about 50 years, Son of Late Bilas Paswan, Resident of Village - Majhauli Muhammadpur Buzurg, P.S.- Sarai, District - Vaishali.
2. Umesh Paswan, Aged about 42 years, Son of Late Bilash Paswan, Resident of Village - Majhauli Muhammadpur Buzurg, P.S.- Sarai, District - Vaishali.
3. Sunil Paswan @ Sunil Kumar Paswan, Aged about 25 years, Son of Dinesh Paswan, Resident of Village - Majhauli Muhammadpur Buzurg, P.S.- Sarai, District - Vaishali.
4. Babloo Kumar @ Babloo Paswan @ Babloo, Aged about 19 years, Son of Umesh Paswan, Resident of Village - Majhauli Muhammadpur Buzurg, P.S.- Sarai, District - Vaishali.
5. Urmila Devi @ Lalita Devi, Aged about 44 years, Wife of Dinesh Paswan, Resident of Village - Majhauli Muhammadpur Buzurg, P.S.- Sarai, District - Vaishali.
6. Sangita Devi, Aged about 45 years, Wife of Umesh Paswan, Resident of Village - Majhauli Muhammadpur Buzurg, P.S.- Sarai, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Kumar
For the Opposite Party/s : Mr.Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 27-08-2019 Heard both sides.

Petitioners apprehends their arrest in Sarai P.S. Case No.77 of 2019, registered under Sections 147, 148, 149, 341, 323, 324, 307, 384, 379 and 427 of the Indian Penal Code.

The informant named ten persons including the six petitioners and alleged that they all came and started demolishing his boundary wall. The accused persons were



armed with *farsa*, *bhala* and other lethal weapons. The accused persons assaulted Md. Arshad with *farsa* and took away different articles from the compound and also demanded extortion of Rs.5,00,000/-.

Learned counsel for the petitioners submits that only Md. Arshad is said to have received one sharp cut wound on head but the informant named ten persons. No specific allegation of assault is made. There is a bona fide land dispute between the two sides. From the side of the petitioners, Sarai P.S. Case No.79 of 2019 was registered against Md. Imteyaz, the informant of the present case, and others.

Learned Additional Public Prosecutor however, opposed the prayer for anticipatory bail of the petitioners and submits that Md. Arshad got one sharp cut injury on head but it appears that only Md. Arshad got one sharp cut injury on head the opinion of which is kept reserved but the informant did not name the author of the wound found on the head of Md. Arshad. The occurrence took place due to land dispute and both sides appeared to have entered into mutual assault on each other.

Taking into consideration the facts aforesaid, let petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks



from the date of receipt of the order, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-XIII-cum-Sub Judge-XIV, Hajipur, Vaishali in connection with Sarai P.S. Case No.77 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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