

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83743 of 2019

Arising Out of PS. Case No.-255 Year-2016 Thana- JAGDISHPUR District- Bhagalpur

1. YADUNANDAN PASWAN @ YADU NANDAN, Son of Kishan Paswan @ Kisan Das, Resident of Village-Satnagar, P.S.-Goradih, District-Bhagalpur.
2. Rekha Devi, Wife of Jadu Nandan Paswan, Resident of Village-Satnagar, P.S.-Goradih, District-Bhagalpur.
3. Bindeshwari Paswan, Son of Kishan Paswan @ Kishan Das, Resident of Village-Satnagar, P.S.-Goradih, District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha, Adv.
For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-12-2019 Heard learned Counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 341, 323, 307, 379, 427 and 504 of the Indian Penal Code.

The prosecution case as per the written report of Arjun Das is to the effect that on 23.10.2016 at 8.00 A.M., four accused persons, including petitioner Nos. 1 and 3, started ploughing the land of the informant forcefully and on protest being made, the informant was assaulted by petitioner Nos. 1 and 3, namely Yadu Nandan Paswan and Bindeshwari Paswan respectively



with an iron rod, causing head injury. Subsequently, petitioner no.2, Rekha Devi assaulted on the head of Aarti Kumari with lathi while co-accused, Putul Devi assaulted Mithilesh Paswan with bricks, causing injuries on his temporal region and chest. The accused persons also damaged the wall and took away some bricks. It is also alleged that accused persons snatched Rs.5000/- and a gold chain from the informant.

It is submitted by learned counsel for the petitioners that in the background of land dispute, the accusation has been levelled and the informant has received simple injuries on head and left elbow. There is a counter version of the occurrence being Jagdishpur (Goradih) P.S. Case No. 256 of 2016, levelling accusation under Sections 147, 341, 323, 307 and 504 of the I.P.C. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that in the FIR there is accusation of assault against the petitioners also.

Considering the genesis of the occurrence being land dispute, there is a counter version of the occurrence, the accusation being not corroborated by the medical opinion, coupled with statement made in paragraph no.3 of the petition



that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, 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 CJM, Bhagalpur, in connection with Jagdishpur (Goradih) P.S. Case No.255 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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