

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72027 of 2019

Arising Out of PS. Case No.-259 Year-2019 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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1. Dina Paswan, aged about 40 years, Male Son of Late Suryug Paswan
 2. Ashok Paswan, aged about 50 years, Male, Son of late Sarjug Paswan
 3. Mintu Devi, aged about 45 years, Female, Wife of Ashok Paswan
 4. Lalita Devi @ Lalita Kumari, aged about 35 years, Female, Wife of Dina Paswan
 5. Ram Babu Paswan, aged about 21 years, Male, Son of Ashok Paswan
 6. Khushbu Kumari, aged about 33 years, Female, D/o Ashok Paswan, Wife of Ram Sevak Paswan
 7. Rani Devi @ Rina Kumari, aged about 24 years, Female, D/o Ashok Paswan, Wife of Dimple Paswan
 8. Ram Sevak Paswan, aged about 25 years, Male, Son of Sathu Paswan
 9. Kaushalya Devi, aged about 45 years, Female, Wife of Jagdish Paswan
 10. Jagdish Paswan, aged about 50 years, Male, Son of Late Shivilal Paswan
- All are resident of Mohalla - Homless Chowk Khabra Road, P.S.-
Kazimohammadpur, Distt - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms.Kumari Sujata Sinha, Adv.
For the Opposite Party/s	:	Mr.Anil Kumar Singh No. 1
For the Informant	:	Ms. Bela Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

6 14-07-2020 Heard learned counsel for the petitioner and learned
counsel for the State as also counsel for the Informant.

In this case, the petitioners are apprehending their
arrest in connection with Kazimohammadpur P.S. Case No. 259
of 2019 registered for offences under sections 147, 149, 341,
323, 354(A), 354(B), 380, 504, 427 of the Indian Penal Code.



As per allegation made by the Informant, on 20.6.2019, when the Informant had gone to her Sasural with her husband then on 2.7.2019, she came to know that the accused persons jointly entered into the house after breaking the lock and took away all the articles and also an allegation has been made of demolishing the house. The Informant along with her husband and sister went there and objected such activity whereupon all the accused persons assaulted her, her sister and her husband by fists and slaps including Danda. It has been alleged that Dina Paswan torn the cloth of the Informant making her naked whereas Ashok Paswan also torn the cloth of her sister Renu Devi and also made her naked. It has also been alleged that they have taken out Rs. 50,000/- which was kept in the wooden almirah including other costly materials lying in the house.

Learned counsel for the petitioners has submitted that there is a civil dispute between the petitioners and the Informant and identical nature of case was lodged by the Informant earlier. It has been submitted that in order to settle the dispute, they have filed two consecutive criminal cases so that the petitioners may not pursue the remedy of civil jurisdiction.

Per contra, learned counsel for the Informant



submits that that was the case with regard to another matter and on the day of occurrence, they have assaulted and tried to made her along with her sister naked. It has further been submitted that civil suit was lodged in the year 2008 and it has nothing to do with the present case but, the fact remains that it is the dispute of land between the parties and earlier this Court vide order dated 5.9.2019 passed in Cr. Misc. No. 43345 of 2019 has granted bail to Dina Paswan.

Looking to the entire facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of six weeks from today, be released 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 learned Additional Chief Judicial Magistrate, 1st Muzaffarpur East in connection with Kazimohammadpur P.S. Case No. 259 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to condition that whenever the police will call the petitioners for investigation/interrogation, they will remain present and if they would not present themselves, the privilege of grant of anticipatory bail shall be deemed to have been canceled. It is also made clear that if the petitioner is repeats the



similar offence in future, the prosecution will be at liberty to file
an application for cancellation of the bail.

(Shivaji Pandey, J)

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