

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32134 of 2020**

Arising Out of PS. Case No.-07 Year-2020 Thana- THARTHARI District- Nalanda

1. Sri Paswan, Son of Late Kishun Paswan, Resident of Village- Santan Bigaha, P.S.- Tharthari, District- Nalanda
2. Guddu Paswan, Son of Sri Paswan, Resident of Village- Santan Bigaha, P.S.- Tharthari, District- Nalanda
3. Sanjeev Paswan @ Sanjeet Paswan, Son of Sri Paswan, Resident of Village- Santan Bigaha, P.S.- Tharthari, District- Nalanda
4. Suraj Paswan, Son of Sri Paswan, Resident of Village- Santan Bigaha, P.S.- Tharthari, District- Nalanda ... Petitioners

Versus

The State of Bihar

... Opposite Party

**Appearance :**

For the Petitioners : Mr. Shyamal Prakash, Adv.

For the Opposite Party : Mr. Md. Shakir Ahmad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA**

ORAL ORDER

5      13-04-2021

Heard the parties through video conferencing.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the state.

The petitioners seek pre-arrest bail in connection with Tharthari P.S. Case No. 7 of 2020, registered under Sections 447, 147, 149, 341, 323, 307, 379 and 504 of the Indian Penal Code.

The accusation is that in the evening of 07.01.2020, informant, Dilip Kumar, was at his house, along with his family members, at that time, his pattedar Sri Paswan, Guddu Paswan, Sanjeev Paswan, Suraj Paswan (petitioners), along with Dharmendra Paswan, Ashiki Paswan and Gayatri Devi, came



and started to abuse his cousin grand-father, Mahendra Paswan, mother, Phool Kumari Devi, and Raushan Kumar came there and made protest. In the meantime, all started to cause assault through lathi, stick and bricks in which his cousin grand-father, Mahendra Paswan, mother, Phool Kumari Devi, sustained head injury and Raushan Kumar also sustained injury. When Bhagwan Paswan rushed to save, he was also assaulted. Asha Devi also came there, then, Sanjeev Paswan (petitioner no. 3) snatched the gold chain. Ashiki Paswan, at that time, pointed the pistol. Cause of occurrence is that they forcibly dug the drain in his land for draining out the water.

Submission is that in fact, due to land dispute occurrence of marpeet took place in which petitioners' side also sustained injury, regarding which Tharthari P.S. Case No. 6 of 2020 is instituted on 07.01.2020 on the basis of the fardbeyan of Sri Paswan (petitioner no. 1) for the offence under Sections 147, 149, 341, 323, 308 and 504 of the Indian Penal Code, which would appear from Annexure 4 series of the supplementary affidavit. Further, submission is that only one lacerated injury 3 cm x 1 cm x ½ cm over left posterior parietal scalp was found on Mahendra Paswan, one lacerated injury 2 cm x 1½ cm x ½ cm over mid parietal part of scalp was found on Phool Kumari



Devi, which are said to be grievous in nature, but, it would appear from the first information report that there is general allegation against all the accused, including the petitioners, to cause injury. Further, submission is that petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the petitioners, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Tharthari P.S. Case No. 7 of 2020 shall be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, I, Hilsa, Nalanda, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

**(Rajendra Kumar Mishra, J)**

Shamshad/-

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