

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.189 of 2021**

Arising Out of PS. Case No.-177 Year-2020 Thana- KAHALGAON District- Bhagalpur

1. BRAJESH KUMAR @ BAIJNATH KUMAR, S/o Mahendra Paswan R/o village- Kalgiganj, P.S.- Kahalgaon, District- Bhagalpur.
2. Mahendra Paswan, S/o Late Budhu Paswan R/o village- Kalgiganj, P.S.- Kahalgaon, District- Bhagalpur.
3. Baikunth @ Gujjo Paswan S/o Mahendra Paswan R/o village- Kalgiganj, P.S.- Kahalgaon, District- Bhagalpur
4. Dulari Devi, W/o Mahendra Paswan R/o village- Kalgiganj, P.S.- Kahalgaon, District- Bhagalpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Md. Najmul Hodda, Advocate
For the Opposite Party	:	Mr. Amit Kumar Rakesh, A.P.P

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 21-08-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 31.12.2020, within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State through video conferencing.

The petitioners apprehend their arrest in connection with Kahalgaon P.S. Case no. 177 of 2020, registered under Sections 341, 323, 307, 379 and 504/34 of the Indian Penal Code.



The accusation is that the mother of informant Akshay Kumar was cleaning the door, at that time, all the petitioners having armed with Iron-rod, Bhala, Khanti etc. came there and started to abuse and dashed the mother of informant and started to cause assault. On hearing hulla, informant and his Bhagina Manish came out from the house then Mahendra Paswan (Petitioner No.2) started to cause assault through iron-rod to his Bhagina Manish. At that time, Brajesh (Petitioner No.1) also caused injury at his forehead in which he sustained grievous injury and fell down and when he regained his consciousness then found his chain and mobile have been snatched and several household articles were looted. The occurrence took place for the purpose of grabbing the property.

Learned counsel for the petitioners submits that informant and petitioners are next door neighbours and due to land dispute, the occurrence of Marpit took place in which petitioners' side also sustained injury regarding which Kahalgaon P.S. Case No. 178 of 2020, under Sections 341, 323, 354, 379 and 504/34 of Indian Penal Code was also instituted against Ajay Kumar, brother of informant of the present case, and others on the basis of fardbeyan of Dulari Devi (Petitioner



No.4). Moreover, the injuries as found on the person of informant and his Bagina are simple in nature. Further submission is that the petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Kahalgaon P.S. Case No. 177 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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