

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35002 of 2022

Arising Out of PS. Case No.-506 Year-2020 Thana- TEKARI District- Gaya

1. RAM CHANDRA PASWAN Son of Late Rajdeo Paswan @ Rajdev Paswan Resident of Village - Panchanpura, P.s.- Tekari, Distt.- Gaya.
2. Ravi Gahlot @ Ravi Ranjan Prasad Sahi @ Ravui Ranjan Paswan Son of Ram Chandra Paswan Resident of Village - Panchanpura, P.s.- Tekari, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No2
For the Opposite Party/s : Mr. Bharat Lal

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 27-09-2022 Heard the parties.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered for the offence punishable under section 147, 148, 149, 323, 307, 506, 379, 427 and 504 of the Indian Penal Code and section 27 of the Arms Act.

Allegedly, the petitioners and other accused persons entered into a Thakurwari, situated in village alongwith arms and started abusing and assaulting. Petitioners assaulted one



Ramniwash Kumar and the informant as a result of which they sustained injuries. It is further alleged that the accused persons entered into the *Garbh Grih* and took away the idols of *Ashtadhatu*, golden eyes of goddess and other articles of gold and silver. The donation box was also looted by the the accused persons.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case by the informant due to land dispute. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. The occurrence took place on 09.08.2018 but the F.I.R. was lodged on 10.10.2020 i.e. after a delay of more than two years, without giving any plausible explanation regarding the said delay which creates a serious doubt on the prosecution story. He further submits that the informant and his men used to protest regularly for doing worship by the accused persons, as they belong to the scheduled caste. There is a land dispute regarding the land of the Thakurwari, therefore the *sevait* also filed a title suit bearing Title Suit No.617 of 2015, which is pending in the court of Sub Judge, Gaya. Petitioners have one criminal



antecedent, as also mentioned in para-3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, since there is a delay in lodging the F.I.R., 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 six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) **each** with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in Tekari (Panchanpur O.P.) P.S. Case No.506 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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