

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9951 of 2021

Arising Out of PS. Case No.-120 Year-2020 Thana- MAHISHI District- Saharsa

1. Hari Narayan Paswan, aged about 56 years, Male, S/O Mansukhi Paswan @ Manohar Paswan, R/O Village Shankarthua, P.S.-Mahishi (Jalai O.P), District-Saharsa.
2. Jai Kishun Paswan, aged about 65 years, Male, S/O Mansukhi Paswan @ Manohar Paswan, R/O Village Shankarthua, P.S.-Mahishi (Jalai O.P), District-Saharsa.
3. Shyam Nand Paswan @ Shyam Nandan Paswan, aged about 45 years, Male, S/O Late Choudhry Paswan @ Late Chaudhary Paswan, R/O Village Shankarthua, P.S.-Mahishi (Jalai O.P), District-Saharsa.
4. Vidyanand Paswan, aged about 35 years, Male, S/O Jai Kishan Paswan, R/O Village Shankarthua, P.S.-Mahishi (Jalai O.P), District-Saharsa.
5. Musahru Paswan @ Jata Shankar Paswan, aged about 30 years, Male, S/O Jai Kishan Paswan, R/O Village Shankarthua, P.S.-Mahishi (Jalai O.P), District-Saharsa.
6. Sujit Paswan, aged about 26 years, Male, S/O Shyam Nandan Paswan @ Shyam Nand Paswan, R/O Village Shankarthua, P.S.-Mahishi (Jalai O.P), District-Saharsa.
7. Indrbali Paswan @ Indrabali Pawan, aged about 23 years, Male, S/O Shyam Nandan Paswan @ Shyam Nand Paswan, R/O Village Shankarthua, P.S.-Mahishi (Jalai O.P), District-Saharsa.
8. Ranjit Paswan, aged about 35 years, Male, S/O Jagdev Paswan, aged about 23 years, Male, R/O Village Shankarthua, P.S.-Mahishi (Jalai O.P), District-Saharsa.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Satish Kumar Singh, Advocate
For the Opposite Party	:	Mr. Chandra Sen Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-02-2022 Heard learned counsel for the petitioners and learned
counsel for the State.

Learned counsel for the petitioners is directed to



remove the defects, as pointed out by the office, within a period of four weeks.

The petitioners are apprehending their arrest in connection with Mahishi (Jalai) P.S. Case No. 120/2020 for the offence registered under Sections 147, 149, 341, 323, 307, 354(B), 379, 504 and 506 of the I.P.C.

The prosecution story, in brief, is that on 30.07.2020 at about 9.00 A.M., a *panchayat* was convened to resolve the dispute of passage, in the meantime, all the F.I.R. named accused persons including these petitioners came there, variously armed and surrounded every one and on the order of co-accused Ashok Paswan, Ajay Yadav, Pramod Yadav, Akhilesh Yadav and Singheshwar Yadav were assaulted and injured, on hearing hulla, when the wife of the informant came, she was also assaulted by the accused persons. Petitioner no. 1 assaulted Ajay Yadav over his neck while Rs. 25,000/- was snatched by co-accused Banarsi Paswan and thereafter all the accused entered the house and looted and damaged household articles.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged



against the petitioners. The petitioners have falsely been implicated in the present case. Nature of injury is said to be simple. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. Injury on the side of accused persons has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory 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 learned S.D.J.M. Saharsa, in connection with Mahishi (Jalai) P.S. Case No. 120/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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