

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36224 of 2023

Arising Out of PS. Case No.-142 Year-2022 Thana- MARANCHI District- Patna

1. Jitni Devi @ Sonam Devi Wife of Ranjeet Paswan Resident of Village- Pachmahlla, PS- Marachi (Pachmahalla O.P.), District- Patna
2. Neha Kumari @ Neha Devi Wife of Sanjeet Paswan Resident of Village- Pachmahlla, PS- Marachi (Pachmahalla O.P.), District- Patna
3. Rekha Devi Wife of Bhushan Paswan Resident of Village- Pachmahlla, PS- Marachi (Pachmahalla O.P.), District- Patna
4. Manoj Paswan Son of Deo Paswan Resident of Village- Pachmahlla, PS- Marachi (Pachmahalla O.P.), District- Patna
5. Anjali Devi @ Anjali Kumari Wife of Manoj Paswan Resident of Village- Pachmahlla, PS- Marachi (Pachmahalla O.P.), District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dipak Kumar, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-07-2023 Heard Mr. Dipak Kumar, learned counsel appearing on behalf of petitioners and Shri Ram Sevak Chaudhary, learned Additional Public Prosecutor appearing on behalf of the State.

2. Petitioners apprehend their arrest in connection with Marachi P.S. Case No. 142 of 2022 registered for the offences punishable under Sections 147, 149, 323, 307, 354, 448 and 427 of the Indian Penal Code.

3. Allegedly, while the informant was constructing his *Indira Awash*, in the meantime, all the accused persons came



there and protested for the same which resulted into scuffle. It is further alleged that co-accused Ranjeet Paswan and petitioner no. 4 Manoj Paswan tried to assault his wife by means of iron rod and when his son came in her rescue, the accused persons assaulted him due to which he sustained head injury. Further allegation has been levelled that Deo Paswan also assaulted his wife.

4. Learned counsel appearing on behalf of the petitioners submits that from the narration made in the FIR it is evident that omnibus allegation has been leveled against all the accused persons including these petitioners and there is a counter version of the present case being Marachi P.S. Case No. 143 of 2022 instituted by petitioner no. 5. Further attention of this Court has been drawn to Annexure-3 to the main petition and with reference thereto, it is submitted that, in fact, the land in question was found in the name of the petitioners and the Sub Divisional Officer, Barh has restrained the persons of informant side not to interfere in the peaceful possession of the petitioners. The petitioners further undertake that they will fully cooperate in the trial and will not indulge in any such kind of crime in future. That apart, the allegation, even if, taken at their face value do not constitute any offence much less under Section 307



and 354 of the Indian Penal Code.

5. On the other hand, learned counsel for the State vehemently opposed the prayer for bail.

6. With regard to the submissions made on behalf of the parties and considering the admitted land dispute and further there is no whisper in the impugned order as to whether the informant or any person has sustained any injury, coupled with the counter version of the present case, let the above named petitioners, be released on bail, in the event of their arrest/ surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Barh in connection with Marachi P.S. Case No. 142 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

Alok Verma/-

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