

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45898 of 2023

Arising Out of PS. Case No.-122 Year-2023 Thana- SAHPUR District- Bhojpur

1. Sri Bhagwan Paswan son of Dashrath Paswan Village- Banshipur Ps- Shahpur Karnamepur Dist- Bhojpur
2. Ajay Paswan @ Ajay Kumar Paswan son of Vijay Paswan Village- Banshipur Ps- Shahpur Karnamepur Dist- Bhojpur
3. Bhola Paswan son of Shrikant Pawan Village- Banshipur Ps- Shahpur Karnamepur Dist- Bhojpur
4. Subas Paswan @ Subas Ram son of Shri Kant Ram Village- Banshipur Ps- Shahpur Karnamepur Dist- Bhojpur
5. Sohan Paswan @ Sohan Kumar Paswan son of Vishwanath Paswan Village- Banshipur Ps- Shahpur Karnamepur Dist- Bhojpur
6. Munna Paswan son of Vishwanath Paswan Village- Banshipur Ps- Shahpur Karnamepur Dist- Bhojpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Kanishk Kaustubh, Advocate
For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Shahpur (Karnamepur) O.P. P.S. Case No. 122 of 2023, registered on 15.03.2023, for the alleged offence under Sections 147, 149, 341, 323, 325, 307 and 504 of the Indian Penal Code.

03. As per prosecution case, when the informant went to scold the petitioners at the house of co-accused Vijay Paswan, in



the background of some earlier altercation and scuffle, the petitioners and four other co-accused persons assaulted him with *lathi* and *danda*. When the daughter of the informant came for his rescue, the co-accused Pawan Paswan assaulted her with *lathi* causing bleeding injury on her head. The occurrence took place in the background of land dispute.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. Another FIR has been lodged for the occurrence of same date vide Shahpur (Karnamepur) P.S. Case No. 121 of 2023 against the informant and others, as they assaulted the members of the petitioners' side, causing a number of serious injuries to them. In order to save themselves, the instant case has been filed as a counterblast. Admittedly, there is land dispute between the parties. Two lacerated wound have been found on the person of the informant and though one such injury is on the head and the opinion has been reserved for the nature of injury.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail submitting that the petitioners assaulted the informant and his family members, causing injuries to them.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the case and counter case between the parties and further considering the



absence of any life threatening injury and also considering the general and omnibus nature of allegation against the petitioners in the background of land dispute, let the petitioners above named, in the even of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Bhojpur in connection with Shahpur (Karnamepur) O.P. P.S. Case No. 122 of 2023 subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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