

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43898 of 2023

Arising Out of PS. Case No.-31 Year-2023 Thana- DARBHANGA District- Darbhanga

1. Bhagwan Lal Paswan Son of Late Fekan Paswan Resident Of Village- Bajitpur, Ps- Town (Subhankarpur T.O.P.), District- Darbhanga
2. Amar Paswan Son of Rajesh Paswan Resident Of Village- Bajitpur, Ps- Town (Subhankarpur T.O.P.), District- Darbhanga
3. Sushila Devi Wife of Bhagawan Lal Paswan @ Bhagwan Lal Paswan Resident Of Village- Bajitpur, Ps- Town (Subhankarpur T.O.P.), District- Darbhanga
4. Raj Kumari Devi, Wife of Rajesh Paswan Resident Of Village- Bajitpur, Ps- Town (Subhankarpur T.O.P.), District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Udeshya Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

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

2. The petitioners apprehend arrest in connection with Town (Subhankarpur T.O.P.) P.S. Case No. 31 of 2023 dated 23.01.2023 instituted for the offence punishable under Sections 436, 504/34 of the Indian Penal Code.

3. The prosecution case, in short, is that on 19.01.2023 at about 12.00 noon, when the informant had gone to cut the *paloti* of dates plant, all the petitioners came and started to abuse her for cutting the plants and threatened her



with dire consequences. It is further alleged that on the same day at 11.30 pm, the informant found that all the petitioners have set her house on fire and fled the scene when she cried for help.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that the date of occurrence is 19.01.2023 and the F.I.R. was lodged on 23.01.2023 after lapse of 4 days without any satisfactory explanation. Learned counsel for the petitioners submits that petitioner no. 1 have filed a case against the informant and others at Darbhanga Town P.S. Case No. 260 of 2019 dated 18.10.2019 under Section 147, 149, 341, 323, 324, 307 of the Indian Penal Code. Learned counsel for the petitioner submits that there is an old land dispute between the parties of the present case. Learned counsel for the petitioner submits that petitioner no. 1 have also filed a Title Suit No. 324 of 2018 against the informant and others for declaration of title and possession over the suit land. Lastly, it has been submitted that petitioners have no criminal antecedent.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioners.

6. Having considered the facts and circumstances of



the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Town (Subhankarpur T.O.P.) P.S. Case No. 31 of 2023, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Darbhanga, District- Darbhanga subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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