

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62032 of 2023

Arising Out of PS. Case No.-45 Year-2023 Thana- MORKAHI District- Khagaria

1. Ramashish Paswan, son of Late Saho Paswan, Village- Bachhauta Ps- Morkahi Dist- Khagaria
2. Pawan Kumar, Son of Ramashish Paswan, Village- Bachhauta Ps- Morkahi Dist- Khagaria
3. Jamuna Paswan @ Jamna Paswan, son of Ramashish Paswan, Village- Bachhauta Ps- Morkahi Dist- Khagaria
4. Dhiraj Kumar, son of Ramashish Paswan, Village- Bachhauta Ps- Morkahi Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 13-10-2023 Heard learned counsel for the petitioners and
learned APP for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Morkahi P.S. Case No. 45 of 2023, registered on 10.05.2023 for the offences under Sections 323, 354(A), 307, 379, 504 and 506/34 of the Indian Penal Code.

3. As per prosecution case, petitioners and other co-accused persons forbade the informant from constructing her house and when the informant refused, they assaulted her as



well as her family members causing a number of injuries to them.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Informant is the own sister of petitioner no.1 and other petitioners are the sons of petitioner no.1. There is land dispute between the parties. In the aforesaid background some altercation and scuffle took place between the parties but the allegation of assault with iron rod and *lathi* is false and concocted. The present case is counter blast of Complaint Case No. 229C of 2023 registered under Sections 148, 149, 452, 504, 354(B), 447, 388 and 506 of IPC. by the wife of petitioner no.1 before the learned CJM, Khagaria. The injury reports of the victims show simple injuries which are swelling, body pain and grues. There was no intention to kill anyone and the allegation of theft is ornamental. Petitioners are having clean antecedent.

5. Learned APP opposes the submissions made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the background of land dispute and also considering the completely non-serious nature of injury of the victims and further



considering the possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Khagaria/concerned court in connection with Morkahi P.S. Case No. 45 of 2023, subject to the conditions as 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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