

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14647 of 2024

Arising Out of PS. Case No.-253 Year-2023 Thana- BIRAUL District- Darbhanga

1. Ashok Mukhiya, son of Lalo Mukhiya,
 2. Vijay Mukhiya @ Vijay Kumar Mukhiya, son of Lalo Mukhiya
 3. Santosh Paswan, son of Tulsi Paswan,
 4. Naresh Paswan, son of Khokhindra Paswan @ Susindra Paswan,
 5. Ranjit Paswan, son of Bisun Paswan
- All are residents of village- Narayanpur P.S- Biraul, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 15541 of 2024

Arising Out of PS. Case No.-253 Year-2023 Thana- BIRAUL District- Darbhanga

Jitendar Paswan @ Jitendra Kumar Paswan, Son of Ram Kant Paswan, R/O-
Narayanpur, P.S.-Biraul, Distt.-Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 14647 of 2024)

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

For the Opposite Party/s : Mr.Uday Chand Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 15541 of 2024)

For the Petitioner/s : Mr.Girish Chandra Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-03-2024 Since both the petitions arise out of Biraul P.S.Case

No. 253 of 2023, as such, they have been taken up together and

are being disposed of by this common order.

2. Heard learned counsels for the petitioners and



learned APP for the State.

3. In the present cases, the petitioners are apprehending their arrest in connection with Biraul P.S. Case No. 253 of 2023 registered for the alleged offences under Sections 341, 323, 324, 307, 379, 427, 354(B), 504, 506, 147, 148 and 149 of the Indian Penal Code.

4. As per prosecution case, the petitioners and other co-accused persons, who were armed with iron rod and dagger, came to the house of the informant and in the background of some land dispute assaulted the informant, his son and the wife of the informant. They also took away Rs.1,50,000/- after entering into the house of the informant.

5. The learned counsel for the petitioners submits that the petitioners have been falsely implicated in this case as it is evident from the date of registration of the FIR. The occurrence is stated to have taken place on 03.05.2023 but the FIR has been lodged on 03.06.2023 without any explanation. Some altercation and scuffle took place in the two groups in the background of land dispute and the informant and his son received minor injuries. Though there is allegation against the petitioner Jitendra Paswan of giving dagger blow to the son of the informant, but the injury report of the son of the informant



shows only abrasion over upper abdomen, multiple linear abrasion above right wrist and body ache and all the injuries are stated to be simple in nature caused by hard and blunt substance. However, there is no specific allegation against the petitioners and the allegations of taking away money is only a super addition. The petitioners are having no criminal antecedents.

6. Learned APP vehemently opposes the submissions made on behalf of the petitioners.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the undue delay in lodging the FIR and further considering not so serious and non-corroborative nature of injuries and also considering the possibility of false accusation in the background of land dispute, 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 bond of Rs. 10,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Biraul, Darbhanga, in connection with Biraul P.S. Case No. 253 of 2023, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the 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)

V.K.Pandey/-

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