

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49928 of 2024

Arising Out of PS. Case No.-66 Year-2020 Thana- JANKINAGAR District- Purnia

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1. Mahendra Paswan S/o Late Jagan Paswan @ Jagen Paswan R/o vill - Chakmaka, P.S. - Janki Nagar, Distt. - Purnea
 2. Rajendra Paswan S/o Late Jagan Paswan @ Jagen Paswan R/o vill - Chakmaka, P.S. - Janki Nagar, Distt. - Purnea

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Adv Mr. Bidhu Ranjan, Adv
For the Opposite Party/s	:	Ms. Nirmala Kumari Md. Hussain

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-10-2024 1. Heard learned senior counsel for the petitioner, Shri. N.K. Agarwal, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.

2. The petitioners seek bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 302, 504 and 506 of the Indian Penal Code.

3. Learned senior counsel for the petitioner submits that petitioner is a person with clean antecedent and is in custody since 16-1-2024 and the informant alleges that he is having dispute relating to land with his neighbour, Mahendra Paswan (Petitioner No. 1), on account of which often altercation takes place, further on 13-5-2020, his brother Dhananjay in the



morning went to his *Badhan* from the house at 3 AM to feed the cattle, when 8 accused persons including the petitioners along with 8-10 unknown accused came variously armed and caught his brother and brutally assaulted him by *farsa* causing injury on head, thereafter Navin fired for creating terror and when electricity went off, on hearing alarm, the informant along with his family members came, when the accused persons including Mahendra Paswan started setting the house on fire, further on protest, Mahendra Paswan and Umesh assaulted his brother Bipin by *Bhala*, *farsa* and *lathi* causing injury on head and even assaulted the informant, thereafter Dhananjay and Bipin in a serious condition were taken to hospital from where they were referred to Bhagalpur, where Dhananjay died during the course of treatment.

4. Learned senior counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant on account of dispute relating to land. It is further submitted that from perusal of allegation as alleged in the FIR, it would manifest that no specific allegation is alleged against the petitioners rather the allegation against them is general and omnibus in nature.

5. Learned counsel appearing on behalf of the



informant opposes the prayer for bail and submits that petitioner is alleged to have put the house of the informant on fire along with other accused persons and even assaulted Bipin along with Umesh causing injury on head. It is next submitted that the trial has commenced and only I.O and Doctor remain to be examined.

6. Considering the submissions made by the learned counsel appearing on behalf of the informant, the Court is not inclined to release the petitioners on bail.

7. Accordingly, the prayer for bail of the petitioners is rejected.

(Satyavrat Verma, J)

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