

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51987 of 2024

Arising Out of PS. Case No.-79 Year-2024 Thana- NAGARNAUSA District- Nalanda

1. Ashok Paswan, Son Of Ramrup Paswan, R/O-Village -Akhtiyarpur, P.S.- Nagarnausa, District- Nalanda
2. Raushan Pasawan, Son Of Ashok Paswan, R/O-Village -Akhtiyarpur, P.S.- Nagarnausa, District- Nalanda
3. Ranju Devi, Wife Of Ashok Paswan, R/O-Village -Akhtiyarpur, P.S.- Nagarnausa, District- Nalanda
4. Khushbu Devi, Wife Of Raushan Paswan, R/O-Village -Akhtiyarpur, P.S.- Nagarnausa, District- Nalanda
5. Anjali Kumari @ Anjani Kumari, D/O- Ashok Paswan, R/O-Village -Akhtiyarpur, P.S.- Nagarnausa, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 28-08-2024 Learned counsel for the petitioners submits that petitioner no.1 Ashok Paswan has been arrested during pendency of this petition, as such, he seeks permission to withdraw the petition for anticipatory bail of petitioner no.1 Ashok Paswan.

2. Permission is accorded.

3. Accordingly, the petition for anticipatory bail of petitioner no. 1 Ashok Paswan is dismissed as withdrawn.

4. Heard learned counsel for the petitioners and learned APP for the State.



5. In this present case, the petitioner nos. 2, 3, 4 and 5 are apprehending their arrest in connection with Nagarnausa P.S. Case No. 79 of 2024, registered for the offences under Sections 341, 323 and 307/34 of the Indian Penal Code.

6. As per prosecution case, petitioners and other co-accused persons entered into the house of the informant and started assaulting the father of the informant. When the informant and his wife came for his rescue, the assailants started assaulting the informant and his wife and the wife of the informant received injury caused with stone by petitioner Raushan Paswan.

7. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Co-accused Ashok Paswan is the own brother of the informant and there is land dispute between the parties. There is no specific allegation against the female petitioners though the allegation is specific against petitioner Raushan Paswan. The injury report shows only laceration wound on upper and lower side of left eye with complain of body pain and the said injury is stated to be grievous but no bone injury was found. Learned counsel further submits that it is a case of scuffle between the members of same family and no offence under Section 307 is



made out against the petitioners. Petitioner no.3 Ranju Devi has filed Complaint Case No. 279 (C) of 2024 against the informant side. Petitioners are very poor persons and are having clean antecedent.

8. Learned APP opposes the prayer for anticipatory bail.

9. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the background of land dispute and further considering the relationship between the parties and also considering the non-specific nature of allegations against the petitioners coupled with possibility of false implication, let the **petitioner nos. 2, 3, 4 and 5**, 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. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Chief Judicial Magistrate, Hilsa (Nalanda)/concerned court in connection with Nagarnausa P.S. Case No. 79 of 2024, 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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