

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51852 of 2024

Arising Out of PS. Case No.-1306 Year-2023 Thana- TURKAULIYA District- East Champaran

1.

Mahesh Paswan @ Mahes Paswan Son Of Gagandeo Paswan Resident Of Village - Chilrawn, P.S. - Turkauliya, District - East Champaran
2.

Surendra Paswan Son Of Gagandeo Paswan Resident Of Village - Chilrawn, P.S. - Turkauliya, District - East Champaran
3.

Kishori Paswan Son Of Gagandeo Paswan Resident Of Village - Chilrawn, P.S. - Turkauliya, District - East Champaran
4.

Keshwar Paswan @ Kesar Paswan Son Of Gagandeo Paswan Resident Of Village - Chilrawn, P.S. - Turkauliya, District - East Champaran
5.

Bhanu Paswan Son Of Gagandeo Paswan Resident Of Village - Chilrawn, P.S. - Turkauliya, District - East Champaran
6.

Ganu Paswan Son Of Gagandeo Paswan Resident Of Village - Chilrawn, P.S. - Turkauliya, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mrs. Rabia Gulnaz, Advocate
For the Opposite Party/s : Mr. Ahmad Ali, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

221-08-2024

Heard learned counsel for the petitioners and learned A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Turkauliya P.S. Case No. 1306 of 2023 registered for the alleged offences under Section 147, 149, 447, 341, 323, 307, 327, 354, 379,504 and 506 of the Indian Penal Code.

03. As per prosecution case, petitioners and other co-

accused persons who were variously armed, making an unlawful assembly, assaulted the informant and her family members causing serious injuries to them. The occurrence took place in the background of land dispute.

04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The present case is counterblast of Turkauliya P.S. Case No. 1305 of 2023 which was registered by petitioner Mahesh Paswan against the informant side and a number of persons from the petitioner side has received injuries for which there is no explanation. Learned counsel further submits that it appears a free fight has taken place at the time of construction of boundary on the disputed land. The petitioner and informant side are agnates. The injury report of victim Satyendra Paswan shows multiple injuries but injuries are simple in nature. Moreover, allegations are mostly general and omnibus. The petitioners are having clean antecedent.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioners.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the counter version and further considering the background of land dispute and 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 bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Court of C.J.M., East Champaran, Motihari in connection with Turkauliya P.S. Case No. 1306 of 2023, subject to the condition 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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