

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85236 of 2023

Arising Out of PS. Case No.-50 Year-2023 Thana- TARABARI District- Araria

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DURGANAND PASWAN S/o LATE MAHABIR PASWAN R/o vill -
Sahasmal, P.S. - Tarabari, Distt. - Araria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Yadav

For the Opposite Party/s : Mr. Sunil Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-01-2024 Heard learned counsel for the petitioner and learned A.P.P. for
the State

2. The defect (s) pointed out by the office is ignored.

3. The petitioner apprehends his arrest in Tarabari P.S. Case No.
50/2023 registered for the offences punishable under Sections
143, 144, 341, 323, 325, 307, 354B, 379, 435, 504 & 506 of the
Indian Penal Code.

4. All the accused persons named in the F.I.R. including this
petitioner having with deadly weapons are said to have come to
the house of the informant and assaulted him and his family
members by their respective arms.

5. It is submitted by learned counsel for the petitioner that no
such occurrence as alleged ever took place. He has been falsely
implicated in this case due to land dispute. The allegation



levelled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that due to land dispute, there was a free fight between the parties in which both sides sustained injuries. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

6. Learned APP for the State vehemently opposing the bail petition submitted that there is specific allegation against the petitioner of assaulting by means of iron rod on the head of the informant and the injury is grievous in nature. Hence, the petitioner does not deserve anticipatory bail.

7. Considering the facts and circumstances of case, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected. However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order considering the fact that there is admitted land dispute between the parties and petitioner has no criminal antecedent.

(Anjani Kumar Sharan, J)

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