

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77120 of 2023

Arising Out of PS. Case No.-93 Year-2023 Thana- PALANWA District- East Champaran

Dharam Paswan @ Dharmendra Paswan Son Of Yogi Paswan Resident Of
Village - Parsauna Tapasi, P.S. - Palanwa, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Palanwa P.S. Case No. 93 of 2023 registered on 07.05.2023 for the offences under Sections 341, 323, 324, 379, 504 and 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner and other co-accused persons assaulted the informant and his family members in the background of dispute over ploughing of land.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. There is general and omnibus allegation against the petitioner and other co-accused persons for assault and theft. Both sides are agnates and there is land dispute between them.



Title Suit No. 353 of 2021 is going on between the parties and one of the co-accused has filed Palanwa P.S. Case No. 97 of 2023 for the same occurrence.

5. From the rejection order of anticipatory bail of this petitioner it is evident that injuries are quite simple and superficial and the allegation of theft is ornamental. On the date of occurrence some scuffle took place between the parties on account of land dispute and persons from both side received simple injuries. Petitioner has got no criminal history.

6. Learned APP opposes the submission made on behalf of the petitioner.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the case and counter case between the parties and further considering superficial and non-serious nature of injuries said to be caused by the petitioner, let the petitioner above named, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Raxaul, East Champaran/concerned court in connection with



Palanwa P.S. Case No. 93 of 2023, subject to the condition 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)

Prakash/-

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