

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85013 of 2024

Arising Out of PS. Case No.-125 Year-2024 Thana- SHAHKUND District- Bhagalpur

1. Puja Kumari @ Puja Devi W/o Nitish Paswan R/o vill - Ghorpithiya, P.S. - Shahkund, Distt.- Bhagalpur
2. Jhalo Devi W/o Ganga Paswan R/o vill - Ghorpithiya, P.S. - Shahkund, Distt.- Bhagalpur
3. Sapna Devi @ Sapna Kumari W/o Mitish Paswan R/o vill - Ghorpithiya, P.S. - Shahkund, Distt.- Bhagalpur
4. Kajal Devi W/o Kanhaiy Paswan R/o vill - Ghorpithiya, P.S. - Shahkund, Distt.- Bhagalpur
5. Kanhaiya Paswan @ Kanhaiy Paswan S/o Fauzdari Paswan @ Faidari Paswan R/o vill - Ghorpithiya, P.S. - Shahkund, Distt.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya, Adv.
For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 20-12-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Shahkund P.S. Case No. 125 of 2024 dated 01.07.2024, instituted for the offence punishable under Sections 191, 190, 117, 110, 352, 351(3), 351(2) of the Bhartiya Nyay Sanhita, 2023. Later on Section 302 of Indian Penal Code was added.

3. The prosecution case, in short, is that there is dispute between co-accused Ganga Paswan who is husband of



petitioner no.2 and informant with regard to a *Neem* tree between their house due to which the son in-law of co-accused Ganga Paswan, namely, Nitish Paswan attacked with wooden *patta* on Jitendra Kumar due to which he became unconscious. When Dharmendra Paswan (husband of the informant) went to save him then, he was also assaulted by accused persons due to which he got injury on his head. Injured Jitendra Paswan died during course of treatment due to head injury.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that there is no allegation against the petitioners rather the specific allegation is against co-accused Nitish Paswan who assaulted with wooden *patta* on Jitendra Paswan and Dharmendra Paswan (husband of the informant). It is further submitted that the occurrence took place due to dispute with regard to *Neem* tree between the house of co-accused Ganga Paswan who is husband of petitioner no.2 and informant. It is next submitted that petitioner no.1, namely Puja Kumari @ Puja Devi is the wife of said Nitish Paswan and all are family members. It is next submitted that co-accused Ganga Paswan has been granted anticipatory bail by this Court vide order dated 04-12-2024 passed in Cr. Misc. No. 80966 of



2024. Lastly, it has been submitted that petitioners have no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Shahkund P.S. Case No. 125 of 2024, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.- IInd, Bhagalpur, subject to condition as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Khatim Reza, J)

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