

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80966 of 2024

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

Ganga Paswan S/o Arjun Paswan R/o village- Ghorpithiya, P.S.- Shahkund,
District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 04-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends 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. The police has filed an application before the learned C.J.M. Bhagalpur for adding Section 302 of Indian Penal Code on 12.07.2024.

3. The prosecution case, in short, is that there is dispute between the petitioner and informant with regard to a Neem tree between their houses due to which the son in-law of Ganga Paswan (petitioner) 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 petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that there is no allegation against the petitioner rather the allegation is against son in-law of the petitioner namely, 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 petitioner and informant. Lastly, it has been submitted that petitioner has no criminal antecedents.

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

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 petitioner within a period of six weeks from today, in connection with Shakhund P.S. Case No. 125 of 2024, he/they shall be released on anticipatory bail



upon furnishing bail bonds of Rs. 10,000/- (ten thousand) 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.

(Khatim Reza, J)

Sankalp/-

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