

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82670 of 2024

Arising Out of PS. Case No.-121 Year-2024 Thana- SHAMBHUGANJ District- Banka

1. Binod Paswan Lakhpati Paswan Resident of Village- Pipra Tola Kharga, P.S.- Shambhuganj, Distt.- Banka
2. Bihari Paswan Son of Late Lakhpati Paswan Resident of Village- Pipra Tola Kharga, P.S.- Shambhuganj, Distt.- Banka
3. Biru Kumar @ Biru Paswan Son of Binod Paswan Resident of Village- Pipra Tola Kharga, P.S.- Shambhuganj, Distt.- Banka
4. Kari Devi Wife of Binod Paswan Resident of Village- Pipra Tola Kharga, P.S.- Shambhuganj, Distt.- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Balram Kapri
For the Opposite Party/s : Mr. Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-12-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Shambhuganj Police Station Case No. 121 of 2024, disclosing offences under Sections 341, 323, 302, 307, 504, 506 read with Section 34 of the Indian Penal Code.

3. As per the prosecution case, on 01.05.2024 in the night at about 8:30 pm when the informant and his wife tried to resolve the dispute regarding land, petitioners along with one Rajnikant Paswan (cousin of the informant) came there with



lathi, danda and iron rod and started abusing. It is further alleged that Binod Paswan assaulted on head of informant's wife with intention to kill her due to which she sustained head injury and fell on the ground. When father of informant went to save her, petitioners assaulted his father with intention to kill him. The father of the informant died on the way to hospital.

4. Learned Counsel for the petitioners submits that petitioners have not committed any offence in the manner alleged. Both the parties are agnates and there is land dispute between them due to which scuffle took place. Petitioner no. 1 is brother of the deceased, petitioner no 4 is the wife of petitioner no. 1 and petitioner nos, 2 and 3 are sons of petitioner no. 1. Specific allegation of assault is there against petitioner no. 1 of assaulting informant's wife with iron rod on her head but there is only one injury which is simple in nature. Allegation against petitioner nos. 2 and 4 are general and omnibus in nature. There is only one injury to the deceased/Inod Paswan but prosecution has not come with any specific statement as to who is the author of the said injury. In the postmortem report, the cause of death appears to be accidental.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that all the



accused persons assaulted the deceased, I am not inclined to grant the petitioners privilege of anticipatory bail.

6. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

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