

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86091 of 2024

Arising Out of PS. Case No.-400 Year-2024 Thana- SHIVSAGAR District- Rohtas

1. Ashok Paswan Son of Shivismukh Paswan @ Sanmukh Paswan Resident of Village- Doriyaon, PS- Shivsagar, Distt.- Rohtas at Sararam
2. Shivismukh Paswan @ Sanmukh Paswan Son of Amawash Paswan Resident of Village- Doriyaon, PS- Shivsagar, Distt.- Rohtas at Sararam
3. Dasrath Paswan Son of Shivismukh Paswan @ Sanmukh Paswan Resident of Village- Doriyaon, PS- Shivsagar, Distt.- Rohtas at Sararam
4. Devendra Singh Son of Jeetendra Singh Resident of Village- Doriyaon, PS- Shivsagar, Distt.- Rohtas at Sararam
5. Gujarato Devi Wife of Shivismukh Paswan @ Sanmukh Paswan Resident of Village- Doriyaon, PS- Shivsagar, Distt.- Rohtas at Sararam

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deovind Kumar Singh
For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-12-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 191(2), 191(3), 115(2), 303(2), 308(2), 329(4), 352, 351(2) of the B.N.S.

3. As per the prosecution case, the informant is the owner of plot bearing plot no.519, Khata no.-179, measuring an area of 57 dec. The informant alleged that all the F.I.R. named



accused persons were cutting the soil from the said land with intention to get forceful possession over her land.

4. Learned counsel for the petitioners submits petitioners are innocent and have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is civil dispute between the parties. He submits that total 81 Decimal land of Plot No.519, Khata No.179 of village-Doriyaon, P.S.- Shiv Sagar, District-Rohtas was allotted by the Government on 22.12.1986 to Sanmukh Paswan and since then the said land is in possession of the petitioners. He further submits that under Section 144 of Cr.P.C. the permanent possession of the land cannot be decided as the order of Section 144 of Cr.P.C. will continue in effect for 60 days only. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case and the fact that it is civil nature dispute between the parties, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing



bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Shiv Sagar P.S. Case No.400 of 2024, subject to the condition as laid down under Section 482 (2) of the B.N.S.S..

(Anjani Kumar Sharan, J)

anand/-

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