

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26985 of 2015

Arising Out of PS.Case No. -43 Year- 2015 Thana -SALKHUA District- SAHARSA

- =====
1. Bhakul Paswan @ Bhakholu Paswan Son of Suresh Paswan
 2. Birju Paswan Son of Suresh Paswan Both Resident of village - Mohanpur, P.S. Salkhua, District - Saharsa

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Pramod Mishra

For the Opposite Party : Mr. U.L.Verma(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 24-09-2015 It is submitted by the learned counsel for the petitioner that this application has been disposed of vide order dated 13.08.2015 so far petitioner no.2 Birju Paswan is concerned as he had already been arrested.

Heard learned counsel for the petitioner and the State.

The petitioners are apprehending their arrest in Salkhua P.S.Case No.43 of 2015 instituted under Sections 147, 148, 149, 341, 323, 324, 325, 326, 307, 302, 504 and 506 of the Indian Penal Code pending in the Court of CJM, Saharsa.

It is alleged by the informant that the FIR named accused persons after forming an unlawful assembly with common intention armed with *lathi*, *danda*, sickle, spade came and started cutting straw and when wife of the informant, namely, Ratni Devi

made objection then the accused persons started assaulting his wife and Suresh Paswan abused her and speared sickle in the mouth of his wife and Bauwa Paswan gave spade blow on her head and caused injury and she became senseless and fell on the ground and brought her to hospital for medical treatment from where she was referred to Saharsa but in the way she died.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. Petitioners have falsely been implicated in the present case. From perusal of the FIR itself it would be evidence that there is no allegation of assault against petitioner no.1. He is simply being said to be the member of the unlawful assembly.

On behalf of the State, it has been submitted that the petitioners are named in the FIR and was present at the place of occurrence when the offence was being committed.

Considering the aforesaid facts, I am not inclined to grant anticipatory bail to the petitioner, namely, Bhakul Paswan @ Bhakholu Paswan and the same is rejected.

Anyhow, if the petitioner, namely, Bhakul Paswan @ Bhakholu Paswan, surrenders in the court below within a period of four weeks and pray for regular bail, same shall be considered by the court below on its own merit without being prejudiced by this

order of rejection taking into account the submissions made on
behalf of petitioner no.1.

(Sudhir Singh, J)

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