

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39106 of 2014

Arising Out of PS.Case No. -219 Year- 2013 Thana -HARSIDHI District-
EASTCHAMPARAN(MOTIHARI)

=====

1. Narendra Paswan Son of Jiut Paswan
2. Prabhu Paswan Son of Julius Paswan,
Both resident of village - Ghoghraha, P.S. Harsidhi, District - East
Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha (APP)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

3 09-07-2015 The application insofar as petitioner no.1 is

concerned, has already been dismissed as withdrawn through

order dated 04.03.2015.

The petitioners were shown as accused in Harsidhi
P.S. Case No.219 of 2013 alleging offences punishable under
Sections 353, 506/34 of the Indian Penal Code.

The allegation against the petitioners is that on
01.07.2013, they entered the school and threatened the
informant, i.e. the Incharge Headmaster of the school to pay a
sum of Rs.50,000/- from the saving from construction of the
building and two bags of rice meant for mid-day meal scheme.

Apprehending their arrest, the petitioners filed
ABP No.2604 of 2013 in the Court of District & Sessions Judge,
East Champaran at Motihari. The application was rejected on

21.04.2014. Hence, this application under Section 438 Cr.P.C.

Heard learned counsel for the petitioner no.2 and learned Additional Public Prosecutor for the State.

On the one hand, the petitioners alleged that the informant, i.e. the Headmaster was involved in taking away the construction material meant for the school building and, on the other hand, the informant alleged that the petitioners demanded a sum of Rs.50,000/- from out of the amount ear-marked for the construction. Except that the petitioners are said to have demanded Rs.50,000/- and two bags of rice, it was not alleged that they resorted to any physical acts against the informant or that they have created any obstruction. The matter needs to be examined at the trial. This Court is of the view that petitioner no.2 Prabhu Paswan can be granted anticipatory bail.

Therefore, the application is allowed. In the event of arrest, petitioner no.2 Prabhu Paswan is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Harsidhi P.S. Case No.219 of 2013.

(L. Narasimha Reddy, CJ)

Sunil/-

U		T	
---	--	---	--