

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15756 of 2015

Arising Out of PS.Case No. -166 Year- 2014 Thana -WARISNAGAR District- SAMASTIPUR

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1. Mahendra Paswan S/o Dhan Raj Paswan
 2. Gopal Paswan S/o Mahendra Paswan
 3. Heera Paswan Son of Mahendra Paswan
 4. Bikau Paswan Son of Mahendra Paswan
 5. Priyanka Devi Wife of Gopal Paswan

All are residents of village - Basatpur Tola, P.S. Warisnagar, District - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Adv

For the Opposite Party/s : Mr. Anusaiya Jaiswal (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 09-07-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for the offences punishable under Sections-304(B), 201 and 34 of the Indian Penal Code, this court by taking into account that the petitioner nos. 2, 3 and 4 are Brother-in-law (Dewar) and petitioner no. 5 is Sister-in-law (Gotni) and claim to have also no criminal antecedent, would be inclined to grant the privilege of anticipatory bail but the same privilege cannot be given to petitioner no. 1, Mahendra Paswan,



in view of the fact that he is not only the Father-in-Law but there is direct allegation against him that when the deceased was done to death, no information was given to the family members of the deceased by Mahendra Paswan, the Father-in-Law, who was at least required to inform the family members of the deceased.

That being so if the **petitioner no. 2, Gopal Paswan, petitioner no. 3, Heera Paswan, petitioner no. 4, Bikau Paswan and petitioner no. 5, Priyanka Devi**, surrender within a period of four weeks from today, they would be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of **Judicial Magistrate 1st Class, Samastipur** in connection with **Warisnagar P.S. Case No. 166 of 2014**, subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

(i) That the court below shall make verification of criminal antecedent of the



petitioner nos. 2, 3, 4 and 5, and if it is found that they are accused in any other criminal case, they shall not be granted bail and would be taken into custody.

(ii) That both the bailors will be close relative of the petitioner nos. 2, 3, 4 and 5 who will give an affidavit giving genealogy as to how they are related with the petitioner nos. 2, 3, 4 and 5. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner nos. 2, 3, 4 and 5.

(iii) That the bailors shall also state on affidavit that they will inform the Court concerned if the petitioner nos. 2, 3, 4 and 5 are implicated in any other case of similar nature after their release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of their bail on the ground of misuse.

(iv) That the petitioner nos. 2, 3, 4 and 5 will give an undertaking that they will receive the police papers on the given date and be present on the date fixed for charge and if they fail to do so on two given dates and delays the trial in any manner, their bail will be liable to be cancelled for reasons of misuse.

(v) That the petitioner nos. 2, 3, 4 and 5

will be well represented on each and every date of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

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