

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18925 of 2015

Arising Out of PS.Case No. -187 Year- 2014 Thana -MITHANPURA District- MUZAFFARPUR

1. Rambriksh Paswan Son of Late Mahendra Paswan
2. Nanki Paswan @ Nanhaki Pawwan, Son of Yogendra Paswan
3. Dinesh Paswan Son of Late Anandi Paswan
All of Mohalla- Paswan Tola, Mithanpura, P.S Mithanpura, District-
Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate.

For the Opposite Party/s : Mr. R.N.Jha, APP

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 18-06-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for offence under Sections 147, 148, 149, 323, 341, 353 and 504 of the Indian Penal Code and Sections 3, 4 and 5 of the Essential Services Maintenance Act and the fact that a mob of more than 100 persons including 40-50 ladies and 70-75 male members are said to have indulged into agitation and assault, this Court finding that the petitioners have also got no criminal antecedent as also the co-accused persons having similarly allegation have been granted anticipatory bail by an order dated 13.02.2015 in Cr. Misc. No. 34350 of 2014, it would also find the petitioners entitled for grant of privilege of anticipatory bail.

That being so, if the petitioners, namely, Rambriksh Paswan, Nanki Paswan @ Nanhaki Paswan and Dinesh Paswan

surrender before the court below within a period of four weeks from today, they shall be released on bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, East Muzaffarpur in connection with Mithanpura P.S.Case No. 187 of 2014, subject to the following conditions:

- (i) That the court below shall make verification of criminal antecedent of the petitioners 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 family relatives of the petitioners, who will undertake an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the court if there is any change in the addresses of the petitioners.
- (iii) That the affidavit shall clearly state that the petitioners are not accused in any other case and if they are, they shall not be released on bail.
- (iv) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioners 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.

- (v) That the petitioners will be well represented on each and every date in course 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)

Sujit/-

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