

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26398 of 2015

Arising Out of PS.Case No. -71 Year- 2014 Thana -MEHANDIA District- JEHANABAD

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1. Balwant Paswan
2. Bhushan Paswan Both sons of Shri Ram Chandra Paswan resident of village Koil Bhupat, Police Station Mehandia, in the district of Arwal.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma

For the Opposite Party/s : Mr. Veena Rani Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-07-2015 Head learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case instituted under Sections 147,148, 341, 323, 504, 307/34 of the Indian Penal Code.

The prosecution story, in brief, is that while the informant was returning after easing work and as soon as he reached near tower and saw that the petitioners along with other co-accused persons have surrounded and assaulted with lathi and danta to the informant who was assaulted with garasa on his head by the petitioner Bhushan Paswan and when the informant's son Birendra Paswan and one Chandradeo Paswan came there is rescue him, they were also assaulted by them whereas co-accused Dwarika Paswan has assaulted with lathi and the petitioner Balwant Paswan has opened fire during course of fleeing away.

On behalf of the petitioners, it has been submitted that due to land dispute the petitioners have falsely been implicated in the present case.

On behalf of the State, it has been submitted that the petitioners are named in the FIR and so far petitioner, Bhushan Paswan, is concerned, there is specific allegation of assault against him.

Considering the aforesaid facts, I am not inclined to grant anticipatory bail to petitioner no.2, Bhushan Paswan, and the same is rejected

So far petitioner no.1, Balwant Paswan is concerned, let the above named petitioner no.1, in the event of his arrest or surrender in the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Brijesh Mani Tripathi, Judicial Magistrate, 1st Class, Jehanabad in connection with Mehandia P.S. Case No. 71 of 2014, subject to the conditions as laid down u/s 438(2) Cr.P.C.

(Sudhir Singh, J)

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