

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48275 of 2014

Arising Out of PS.Case No. -51 Year- 2014 Thana -KAHALGAON District- BHAGALPUR

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Sanjay Paswan S/o Sakaldeep Paswan Resident of Village Sobhnathpur,
P.S. Kahalgaon, District Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey, Adv

For the Opposite Party/s : Mr. C.Jawahar(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 16-07-2015 Heard learned counsel for the parties.

The petitioner facing prosecution for the offences punishable under Section-307 and other allied offences of the Indian Penal Code, has come out with a specific defence that not only the allegation against him of assaulting the injured Mangal Das is false, inasmuch as, no injury, as ascribed against the petitioner on the head of Mangal Das, has been found but as a matter of fact the case as a whole was instituted only after the wife of the petitioner had filed a criminal case against Mangal Das for misbehaving with the ladies including the wife of the petitioner that in course of emersion of idol of Goddess

Saraswati on the occasion of Saraswati Puja.

This Court on finding that not only the criminal case by the wife of the petitioner was filed earlier but also that the petitioner has got no criminal antecedent would be entitled for privilege of anticipatory bail.

That being so, if the petitioner namely, **Sanjay Paswan**, surrenders within a period of four weeks from today, he would 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 **Chief Judicial Magistrate, Bhagalpur** in connection with **Kahalgaon P.S. Case No. 51 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 and if it is found that he is accused in any other criminal case, he shall not be granted bail and would be taken into custody.

(ii) That both the bailors will be close relative of the petitioner who will give an affidavit

giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

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

(iv) That the petitioner will give an undertaking that he will receive the police papers on the given date and be present on the date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(v) That the petitioner will be well represented on each and every date of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

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