

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.16174 of 2016**

Arising Out of PS.Case No. -321 Year- 2012 Thana -BAKHTIYARPUR District- PATNA

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1. Sanjay Paswan, S/o Sri Mital Paswan  
2. Shankar Paswan, Son of Sri Mital Paswan. Both are residents of Village-  
Benepur, P.S.- Salimpur, District- Patna.

.... .... Petitioners

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Gyanendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anil Kr. Singh, A.P.P.

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

3      26-05-2016                      Heard learned counsel for the petitioners and learned  
A.P.P. for the State.

Petitioners are languishing in custody since 04.12.2015  
in connection with S.T. No. 85(A) of 2016 arising out of  
Bakhtiyarpur P.S. Case No. 321 of 2012 for the offences alleged  
under Sections 341, 323, 307, 302 and 504/34 of the Indian Penal  
Code.

The prosecution case is that the informant, namely,  
Shakuntala Devi made his ferdbeyan before the Police Officer of  
Bakhtiyarpur Police Station in Primary Health Centre,  
Bakhtiyarpur on 16.11.2012 at about 10.30 A.M., the informant  
along with her villagers were going to carry Bojha at Gwaspur  
Boring, in the meantime, five accused persons came and started to

abuse and beat them by fists and slaps. Thereafter, another set of five accused persons also came and started to beat them by lathi-danda. They also assaulted Bakhori Paswan and Bindu Paswan who had come to save her. One Bakhori Paswan was injured seriously. One Jyoti Kumari was also injured.

It has been submitted by the learned counsel for the petitioners that they are innocent and have been falsely implicated in the aforesaid case due to personal grudge and enmity by the informant's side. He further submits that the petitioners are not having criminal antecedent and that there is no specific allegation against them and they are general and omnibus. It has further been submitted that the son of the deceased Bindu Paswan has not taken the name of the petitioners as is evident from paragraph 33 of the case diary. He submits that the chargesheet has been submitted against them and there is no chance of tampering with the evidence and undertakes not to flee away. He further submits that another co-accused on similar allegation has been granted bail by a Co-ordinate Bench of this Court in Criminal Miscellaneous No. 34000 of 2015 on 15.10.2015.

However, learned A.P.P. for the State submits that the petitioners are named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since the co-accused for similar allegation has been granted the privilege of bail, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VIth, Barh, Patna in connection with S.T. No. 85(A) of 2016 arising out of Bakhtiyarpur P.S. Case No. 321 of 2012.

However, it is made clear that the petitioners will appear before the Court as and when required and failure to appear on two consecutive dates will be liable for cancellation of their bail bonds by the learned Court below without being prejudiced with this order.

**(Nilu Agrawal, J)**

Vats/-

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