

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.3242 of 2016**

Arising Out of PS.Case No. -40 Year- 2015 Thana -KANGALI District-  
WESTCHAMPARAN(BETTIAH)

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1. Ram Babu Paswan  
2. Gopal Paswan, Both sons of Khobhari Paswan, Both residents of village  
- Singhwalia, P.S. - Kangali, District - West Champaran.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Shivjee Singh

For the Opposite Party/s : Mr. Ramesh Chandra(App)

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA**  
**ORAL ORDER**

3      18-02-2016                      Heard learned counsel for the petitioners and learned  
counsel appearing on behalf of the State.

The petitioners are apprehending their arrest in connection with Kangali P.S. Case No. 40 of 2015, registered for offences punishable under Sections 376,511, 328, 379, 323, 504, 506/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the story as made out by the informant in the complaint petitioner has been substantially changed on registration of the F.I.R. He further submits that the story as carved out in the *punarbayana* (restatement) reveals that actually the informant's husband had come back along with co-accused no. 1, namely, Brijesh Sahni and petitioner no. 1, Ram Babu Paswan (Sarpanch). It was, in fact, otherwise. The informant's husband had been brought back by two other persons and not by co-accused no. 1 and petitioner no. 1 of

the present application. He further submits that as far as petitioner no. 2, is concerned, there is no allegation against him and being the own brother of the petitioner, no. 1, he has been falsely implicated in the present case.

Learned counsel appearing on behalf of the State after perusal of the case diary submits that there is a variation in the story as made out in the complaint petition to that of the restatement of the informant in the F.I.R.

Considering the difference of statement in complaint petition and F.I.R, and also the fact that the petitioners have no criminal antecedent, let the petitioners above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 10,000 (Rs. Ten Thousand) each with two sureties of the like amount each to the satisfaction of Sri Jitesh Kumar, Judicial Magistrate, 1<sup>st</sup> Class, Bettiah, West-Champaran in connection with Kangali P.S. Case No. 40 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Anjana Mishra, J)**

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