

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5976 of 2016

Arising Out of PS.Case No. -368 of 2015 Thana –BIHARSHARIF, NALANDA (BIHARSHARIFF)

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1. Baishakhi Paswan S/o late Paro Paswan Resident of Mohalla Baignabad,
Police Station Biharsharif, District Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad

For the Opposite Party/s : Mr. Rajendra Pd.Nat(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 23-02-2016 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Bihar Police Station Case No. 368 of 2015,
disclosing offences under Sections 147, 148, 149, 341, 323,
324, 307, 337, 504, 506 and 302 of the Indian Penal Code.

Learned Counsel appearing on behalf of the
petitioner submits that there is specific allegation against
one Raja Paswan of having opened fire, which hit the
deceased, leading to his death. He submits that there is
neither any allegation of overt act against the petitioner nor
is there any allegation that he was present at the place of
occurrence, forming an unlawful assembly, with any
intention to kill the deceased.

Learned Counsel for the petitioner further
submits that on identical facts and circumstances, another

co-accused, Ashok Paswan, has been granted anticipatory bail by the Court of learned 1st Additional Sessions Judge, Nalanda, by order dated 16.12.2015, passed in A.B.P. No. 1936 of 2015.

Considering the submission, as above, this application is allowed.

Let the petitioner, Baishakhi Paswan, in the event of his arrest or surrender before the Court below within six 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 learned Chief Judicial Magistrate, Nalanda at Biharsharif, in connection with Bihar Police Station Case No. 368 of 2015, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the same may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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