

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10227 of 2016

Arising Out of PS.Case No. -2106 Year- 2013 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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Kundan Paswan son of Late Shiv Narayan Paswan, resident of Village-
Ranjitpur Gote, Police Station and District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shashi Paswan, Son of Keshwar Paswan, Resident of Village-
Girmishani, Police Station and District- Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratnakar Ambastha
For the Opposite Party/s : Mr. U.L. Verma(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 30-06-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with a
case registered for the offences punishable under Sections
341/323/307/504/34 of the Indian Penal Code.

Diary in this case was called for earlier which has since
been received.

Learned counsel for the petitioner submits that though there
is specific allegation against the petitioner, none of the witnesses
have supported the prosecution case. In fact, all through the
investigation, it has come on record that the petitioner was not
present in the village on the date of occurrence and witnesses have

stated that there was previous enmity between the parties and that the informant has been pressurizing the petitioner to give an adverse evidence in the Court which was being declined by the petitioner.

Taking into view such considerations, final form was submitted stating the case to be false. However, the petitioner is now facing prosecution on the basis of the order passed in the protest petition.

Considering all facts and circumstances of the case and that there is cloud on the prosecution story as emanated from the diary of the case, let the petitioner, in the event of his arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Sitamarhi in connection with Case No. CI-2106/2013 subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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