

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39072 of 2016

Arising Out of PS.Case No. -213 Year- 2015 Thana -MAKHDUMPUR District- JEHANABAD

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1. Dharmendra Paswan
 2. Vijay Paswan
 3. Nagendra Paswan
 4. Amrendra Paswan, son of Suryadeo Paswan,
 5. Niraj Paswan, Son of Ram Pravesh Paswan,
 6. Ram Pravesh Paswan, Son of Raj Deo Paswan, All Resident of Village- Suknu Bigha, P.S.- Makhdumpur, District- Jehanabad.
 7. Anup Paswan, Son In- Law of Rajdeo Paswan.
 8. Ravindra Paswan, Son In-Law of Rajdeo Paswan, Both Resident of village- Deripar, P.S.- Masaurhi, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad

For the Opposite Party/s : Mr. Sri Bhanu Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 20-09-2016 Heard Sri Shivendra Prasad, learned counsel for the petitioners and Sri Bhanu Pratap Singh, learned Additional Public Prosecutor.

Eight petitioners, apprehending their arrest in Makhdumpur P.S. Case No. 213 of 2015 registered for the offence under Section 147, 148, 149, 341, 323, 325, 504, 506, 379 and 307 of the Indian Penal Code, have prayed for grant of anticipatory bail in the event of arrest or surrender.

It was submitted by learned counsel for the petitioners that the present case was falsely lodged by the informant, who is



none else but son of the main accused in which mother of the petitioner no. 5 was killed by means of firing. He submits that of- course in this case allegation has been made regarding commission of offence under section 307 of the Indian Penal Code, on case record there was no injury report. By way of referring to Annexure – 2 to the present petition i.e. an F.I.R. vide Makhdumpur P.S. Case No. 212 of 2015 registered for offence under Section 307, 302, 34 of the Indian Penal Code and 27 of the Arms Act, learned counsel for the petitioners submits that initially in early morning petitioner no. 5 was fired upon by the informant side and thereafter his mother was surrounded by the accused persons in which father of the present informant namely Ram Gulam Paswan had fired, due to the said injury the mother of petitioner no. 5 died. He submits that after lodging the present F.I.R. from the accused side by the son of the main accused, the present F.I.R. has been lodged only and only with a view to create a defence.

Learned Additional Public prosecutor has opposed prayer for grant of anticipatory bail.

However, I have minutely perused Annexure – 1 i.e. copy of F.I.R. in Makhdumpur P.S. Case No. 213 of 2015 as well as F.I.R. of Makhdumpur P.S. Case No. 212 of 2015. After

going through the same, the court is satisfied that it is a fit case for extending the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the aforesaid eight petitioners Dharmendra Paswan, Vijay Paswan, Nagendra Paswan, Amrendra Paswan , Niraj Paswan, Ram Pravesh Paswan , Anup Paswan and Ravindra Paswan be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Jehanabad / concerned court in connection with Makhdumpur P.S. Case No. 213 of 2015 subject to the conditions as contemplated under section 438(2) of the Code of Criminal Procedure .

(Rakesh Kumar, J)

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