

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42754 of 2016

Arising Out of PS.Case No. -99 Year- 2015 Thana -JAMALPUR District- DARBHANGA

- =====
1. Mukesh Paswan
 2. Ashok Paswan
 3. Ramesh Paswan@Ramesh Kumar Paswan All sons of Raghubir Paswan
 4. Kanchan Paswan S/o Mishri Lal Paswan
 5. Tetri Devi W/o Mukesh Paswan
 6. Anil Paswan@Anil Kumar S/o Shiv Shankar Paswan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh

For the Opposite Party/s : Mr. Sri Chaubey Jawahar

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 20-12-2016 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with Jamalpur P.S. Case No. 99 of 2015 registered under Sections-379, 307 & other minor sections of the Indian Penal Code.

There is allegation against all the petitioners that they assaulted the injured. The case diary goes to show that several persons sustained injury in this case but learned counsel for petitioners seeks anticipatory bail of the petitioners on the ground that co-accused Raghubir Paswan against whom, there is specific allegation of giving farsa blow on the head of the



informant, has already been acquitted by the trial court after full fledged trial and in the aforesaid trial, witnesses have not supported the prosecution story but I am not, at all, convinced with the aforesaid submissions. Moreover, petitioner No. 5 happens to be a woman and the allegation against her is that she gave sickle blow, causing injury on the nose of injured Shanti Devi and also gave one leg blow on her abdomen.

Paragraph-47 of the case diary goes to show that one injury was found on the nose of the injured, Shanti Devi and the doctor kept his opinion reserved but even after submission of charge sheet, the investigating officer did not collect complete injury report of aforesaid injured Shanti Devi.

Considering the above-said facts and circumstances of the case as well as submission of the parties, let the petitioner No. 5 namely Tetri Devi, in the event of her arrest or surrender in the court below within four weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Jamalpur P.S. Case No. 99 of 2015 to the satisfaction of learned Sub Divisional Judicial Magistrate-II, Biraul, Darbhanga subject to condition as laid down u/S 438(2) of the Code of Criminal Procedure Code. So



far as rest petitioners are concerned; their prayer for anticipatory bail stands rejected.

However, if, they surrender before the court below within four weeks from today and seek regular bail, the learned court below shall consider the regular bail application of the aforesaid petitioners on its own merit without being prejudiced by this rejection order, particularly, keeping in mind that having more or less similar allegation, one co-accused namely, Raghubir Paswan has already been acquitted after full fledged trial.

(Hemant Kumar Srivastava, J)

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