

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47035 of 2016

Arising Out of PS.Case No. -59 Year- 2016 Thana -BAHERA District- DARBHANGA

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Baljeet Paswan, Son of Gajendra Paswan, Resident of Village- Mahadai,
P.S.- Bahera, District- Darbhanga.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ram Hriday Prasad, Advocate.

For the Opposite Party : Mr. Ram Naresh Ray, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 14-12-2016 Heard both sides.

The petitioner apprehends his arrest in Bahera P.S. Case No. 59 of 2016, registered for the offences punishable under Sections 147, 148, 341, 323, 324, 307 and 354 of the Indian Penal Code. Later on Section 302 of the Indian Penal Code was added.

The informant Hirpul Paswan named eight persons and alleged that Ras Paswan assaulted him with Pharsa and other accused persons assaulted him with Lathi. Manoj Paswan, Santosh Paswan and Madan Paswan came to save the informant the accused persons also assaulted them.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR. Name of the petitioner figured in the case in the statement of Binod Paswan in paragraph-50 of



the case diary but no specific allegation of assault is made against the petitioner. Similarly situated co-accused Hind Kumar Paswan @ Hind Kumar Paswan 'Amar' has already been granted anticipatory bail vide order passed in Cr. Misc. No. 43410 of 2016 on 21.11.2016. The case of the petitioner stands on the same footing.

On the other hand learned counsel for the informant submits that anticipatory bail petition of Ramwali Paswan was rejected vide order dated 18.08.2016 in Cr. Misc. No. 22644 of 2016.

It appears that the petitioner is not named in the FIR. Name of the petitioner figured in the statement of Binod Paswan in paragraph-50 of the case diary but Binod Paswan did not make any specific allegation of assault against the petitioner. Madan Paswan one of the injured named Ramwali Paswan as one of the assailants. The case of the petitioner stands on different footing as that of Ramwali Paswan.

Considering the facts aforesaid, the petitioner above named, in the event of his 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, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten



Thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Benipur, Darbhanga in Bahera P.S. Case No. 59 of 2016, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J.)

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