

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55152 of 2016

Arising Out of PS.Case No. -46 Year- 2016 Thana -MANIHARI District- MUZAFFARPUR

- =====
1. Sukan Paswan @ Sukhan Paswan, son of Late Prabhu Paswan, resident of Village- Mahanth Maniyari, P.S.- Maniyari, Muzaffarpur, Bihar.
 2. Sunil Paswan, son of Vishwanath Paswan, resident of Village- Mahanth Maniyari, P.S.- Maniyari, Muzaffarpur, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh

For the Opposite Party/s : Mr. M. Dayal, APP

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

- 2 23-12-2016 Heard the Counsel for the petitioners and Mr. Dayal, APP
for the State.

Apprehending their arrest in Maniyari P.S. Case No. 46 of 2016 registered under sections 147, 148, 149, 323, 324, 307, 379, 427, 354, 504 and 506 of the Indian Penal Code, , the petitioners pray for grant of anticipatory bail.

It is alleged that when the informant was sitting at his door, the accused persons arrived there and Mahesh Paswan assaulted the informant with iron rod and co-accused Manjay Paswan and Sunil Paswan (petitioner no. 2) assaulted the uncle of the informant with iron rod. Petitioner no. 1 Sukan Paswan is said to have pulled the mother of the informant by hair and pushed her.

Contention of the petitioners is that there was a dispute



between both the parties who are gotiyas. Annexure-2 is the case lodged by wife of Manjay Paswan under Section 307 and other allied sections of the Penal Code. It is in retaliation thereof. Considering the superficial nature of injury sustained by the uncle of the informant, co-accused Manjay Paswan has been granted anticipatory bail by this Court vide order dated 21.12.2016 passed in Cr. Misc. 49712 of 2016. Petitioners have no criminal antecedent.

In the event of arrest or surrender in the Court below within four weeks, the petitioners abovenamed are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in Maniyari P.S. Case No. 46 of 2016 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioners.

(ii) In case of framing of charge, the petitioners shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to



cancel the bail bond of the petitioners and secure their arrest in
accordance with law.

(Kishore Kumar Mandal, J)

Pankaj/-

U		T	
---	--	---	--

