

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52266 of 2015

Arising Out of PS .Case No. -2824 Year- 2011 Thana -VAISALI COMPLAINT CASE District-
VAISHALI (HAJIPUR)

Prabhat Paswan @ Prabhat Kumar Son of Jay Prakash Paswan, resident
of Village- Chandralaya, P.S.- Hajipur Sadar, District - Vaishali.

.... Petitioner

Versus

1. The State of Bihar

2. Somariya Devi, W/o Shree Nandan Rai R/v Chandralaya, P.S. Sadar
Hajipur, District - Vaishali.

.... Opposite Parties

Appearance :

For the Petitioner : Mr. Satyendra Narayan Singh, Advocate

For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 24-08-2016 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 147, 148, 149 and 302 of the Indian Penal
Code and Section 27 of the Arms Act registered in connection with
Complaint Case No. C1-2824/2011 (Tr. No. 3621/13) arising out of
Sadar P.S. Case No. 372/08.

3. Learned counsel for the petitioner states that the
petitioner along with two other co-accused were granted
anticipatory bail by a Bench of this Court by order dated 17.09.2009
in Cr. Misc. No. 6178 of 2009 relating to Sadar (Hajipur) P.S. Case No.
372 of 2008, with the further observation that in case charge sheet is
submitted and case is heard on the point of framing of the charge,
the material collected by the I.O. shall be taken to reconsider the bail
to justify its continuation. It is stated that after due investigation,

final form was submitted by the police and the case was found false against the petitioner. It is submitted that inasmuch as the present complaint has arisen out of a protest petition, the petitioner deserves anticipatory bail herein as well more so when the petitioner has never misused the privilege of anticipatory bail earlier granted. The petitioner otherwise claims clean antecedents.

4. Having regard to the entirety of the facts and circumstances of the case, as such, in the event of the arrest or surrender of petitioner before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of Smt. Niharika, learned Judicial Magistrate, Ist Class, Vaishali at Hajipur in connection with Complaint Case No. C1-2824/2011 (Tr. No. 3621/13) arising out of Sadar P.S. Case No. 372/08, subject to the conditions as laid down under Section 438 (2) Cr.P.C. with additional condition that the petitioner shall remain personally present on each and every date and if he fails to do so on three consecutive dates without sufficient reason, his bail bond will be liable to be cancelled by the Court concerned.

B.T/Chandran

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(Vikash Jain, J)