

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49529 of 2015

Arising Out of PS.Case No. -206 Year- 2015 Thana -NOORSARAI District- NALANDA
(BIHARSHARIFF)

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1. Gariban Paswan @ Garivan Paswan Son of Late Gajadhar Paswan
Resident of Village - Brijpur, P.S.- Noorsarai, District - Nalanda

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.50915 of 2015

Arising Out of PS.Case No. -206 Year- 2015 Thana -NOORSARAI District- NALANDA
(BIHARSHARIFF)

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1. Beena Paswan @ Veena Paswan Son of Late Tuklal Paswan resident of
village - Brijpur, P.S. Noorsarai, District - Nalanda

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.52541 of 2015

Arising Out of PS.Case No. -206 Year- 2015 Thana -NOORSARAI District- NALANDA
(BIHARSHARIFF)

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1. Gandhi Paswan S/o Late Bachu Paswan,
2. Indal Paswan, S/o Gandhi Paswan,
3. Ranu Devi @ Renu Paswan, S/o Godil Paswan,
4. Ballam Paswan @ Balan Paswan, S/o Godil Paswan, All are residents of
village - Brijpur, Police Station - Noorsarai, District - Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.49529 of 2015)

For the Petitioner/s : Mr. Sabal Kumar Jha

For the Opposite Party/s : Mr. Anita Kumari (App)

(In Cr.Misc. No.50915 of 2015)

For the Petitioner/s : Mr. Pankaj Kumar

For the Opposite Party/s : Mr. Kumar Virendra Narayan (App)
(In Cr.Misc. No.52541 of 2015)

For the Petitioner/s : Mr. Raj Kishor Prasad

For the Opposite Party/s : Mr. Madhuranand Jha (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 27-01-2016

Above noted applications have arisen out of one occurrence i.e. Noorsarai P.S. Case No. 206 of 2015 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 326, 307, 504 of the Indian Penal Code and Section 27 of the Arms Act, as such they have been heard together and are being disposed of by this common order.

Supplementary affidavit has been filed on behalf of petitioners Gariban Paswan and Beena Paswan which have been taken on record.

Allegedly, 16 FIR named accused persons including the petitioners came variously armed and attacked on the informant's side causing injury to the uncle of the informant resulting he became unconscious and further when Rabindra Paswan and Sunaina Devi came for rescue they were also assaulted by the accused persons and they snatched mobile, chain and torch and co-accused Misri Paswan opened fire also.

Submission is of false implication, there was free fight between the parties, there is case and counter case, there is no



specific allegation against the petitioners and similarly situated co-accused Yugal Paswan, Mishri Paswan and Rudal Paswan have been allowed pre-arrest bail vide order dated 20.01.2016 passed in Cr. Misc. No. 3130 of 2016 by another co-ordinate Bench of this Court and as such the petitioners who are suffering in custody deserve sympathetic consideration as chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned APP duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that grievous injury has been found on the person of Sharwan Paswan the uncle of the informant and he remained admitted in Intensive Care Unit.

In the facts and circumstances stated above, considering that there is no specific allegation against the petitioners, the allegations are omnibus, general in nature, other co-accused have been allowed pre-arrest bail, all the petitioners above named are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bihar Sharif in connection with Noorsarai P.S. Case No.206 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient

immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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