

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10236 of 2016

Arising Out of PS.Case No. -185 Year- 2015 Thana -BIHARIGANJ District- MADHEPURA

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1. Bilas Paswan S/o Lakshmi Paswan @ Laxmi Paswan
 2. Kailash Paswan S/o Lakshmi Paswan @ Laxmi Paswan
 3. Makhan Paswan S/o Lakshmi Paswan @ Laxmi Paswan
 4. Nitish Paswan @ Nitish Kumar S/o Dinesh Paswan
 5. Anil Paswan S/o Late Mohan Paswan
 6. Ram Briksh Paswan S/o Late Mohan Paswan. All residents of village- Sarauni Kala, Naraiya Tola, Ward No.2, P.S.- Bihariganj, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar

For the Opposite Party/s : Mr. Kalyan Shankar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 03-03-2016

At the outset, it is submitted by learned counsel for the petitioner that petitioner no.5 Anil Paswan has been arrested. Hence, this application so far as it relates to petitioner no.5 has become infructuous.

Heard learned counsels for the petitioners and the State.

The petitioners except petitioner no. 5 are apprehending arrest in a case registered for the offences punishable under Sections 147,341,323,342,354,379,504 and 506 of the Indian Penal Code.

The prosecution case is that the petitioners and other



accused persons abused the informant Urmila Devi, pushed her down on the ground and assaulted with lathi and fists and slaps. It is alleged that petitioner no. 5 took out silver necklace and gold ear ring of the informant. Petitioner no. 4 Nitish Paswan and co accused Ajit Paswan pulled the sari of the informant, on alarm being raised, daughter and grand daughter of the informant came to rescue then all the petitioners and co accused Ajit Paswan assaulted them and tore their clothes. It is further alleged that when the informant's sons Arvind Paswan and Atish Paswan came to rescue the informant then all the petitioners assaulted them also. Petitioner no. 5 inflicted garasa blow on the informant with the intention to kill her which caused cut injury.

It is submitted by the learned counsel for the petitioners that the petitioners are agnates of the informant and there was dispute with regard to the cutting of bamboo. At earlier point of time husband and son of the informant also lodged case against the petitioners. Statement has been made in paragraph 9 of the petition that no injury was caused to the informant or any other person which reads as follows:

“That there is no any injury on the body of the informant and others and they have been implicated due to grudge and malice.”

The accusation of theft is specific against petitioner no. 5 who has already been arrested.

Considering the aforesaid facts, let the above named petitioners except petitioner no. 5 be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned SDJM, Udakishunganj, Madhepura in connection with Bihariganj P.S. Case No. 185 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Anil/-

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