

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39045 of 2016

Arising Out of PS.Case No. -425 Year- 2013 Thana -KUSHESHWARSTHAN District-
DARBHANGA

- =====
1. Chhote Paswan @ Chhote Lal Paswan son of Mahendra Paswan
 2. Phulo Devi, wife of Mahendra Paswan
 3. Baiju Paswan, son of Mahendra Paswan
 4. Shambhu Paswan, son of Mahendra Paswan

All are residents of Pachhara Kurda, P.S.-Kusheshwar Asthan,
District- Darbhanga.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/s : Mr. Sri Anuj Kumar Srivastava

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 20-09-2016 Heard Sri Y.C. Verma, learned Senior Counsel,

who was assisted by Sri Ajay Kumar Singh, learned counsel for

the petitioners and Sri Anuj Kumar Srivastava, learned Addl.

Public Prosecutor.

Four petitioners, apprehending their arrest in

Kusheshwar Asthan P.S. Case No.425/2013 registered for the

offence under Sections 147, 448, 341, 323, 324, 379, 307, 504,

506 of the Indian Penal Code, have prayed for grant of

anticipatory bail.

It was submitted by learned Senior Counsel

appearing on behalf of the petitioners that there was case and



counter case in between the parties. From the petitioners' side, petitioner no.1 had filed a case, which was registered earlier than the present case. On the basis of information given by petitioner no.1, an F.I.R. vide Kusheshwar Asthan P.S. Case No. 424/2013 registered for the offence under Sections 341, 448, 323, 324, 379, 307, 504/34 of the Indian Penal Code against the informant side of the present case and thereafter against the petitioners, case was lodged by one of the accused of the earlier case, which has been registered as Kusheshwar Asthan P.S. Case No.425/2013. He further submits that even the female member has been made accused in the present case. On the aforesaid ground, a prayer has been made for grant of anticipatory bail.

Learned Addl. Public Prosecutor has vehemently opposed the prayer for grant of anticipatory bail of the petitioners.

However, considering the fact that F.I.R. was lodged in the year 2013 at such belated stage the Court is of the opinion that the prayer for anticipatory bail of at least male members may not be considered. Accordingly, the prayer for anticipatory bail of petitioner nos.1, 3 and 4 stands rejected.

So far as the prayer for grant of anticipatory bail to petitioner no.2 is concerned, keeping in view the fact that she is a lady, let the petitioner no.2, namely, Phulo Devi , in the event of

her arrest or surrender within six weeks from today , be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Biraul, District-Darbhangha in connection with Kusheshwar Asthan P.S. Case No.425/2013, subject to conditions as laid down in Section 438(2) of the Code of Criminal Procedure.

It goes without saying that if petitioner nos.1, 3 and 4 appear before the Court below within six weeks from today and make a prayer for regular bail, the learned court below without being prejudiced with this order may examine the same and pass appropriate order in accordance with law preferably on the same day.

(Rakesh Kumar, J)

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