

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6682 of 2017

Arising out of PS.Case No. -194 Year- 2016 Thana -MANIHARI District- KATIHAR

- =====
1. Chamru Paswan, Son of Late Shiv Charan Paswan,
 2. Uttam Paswan, Son of Chamru Paswan,
 3. Soni @ Sunita Devi @ Mosmat Soni Devi, Daughter of Chamru Paswan,
 4. Sanjay Paswan @ Sanjay Kumar Paswan, Son of Chamru Paswan, All residents of village - Chhoti Baghmara, Police Station Manihari, District – Katihar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Ratnakar Ambastha, Advocate

Mr. Sunil Prasad Singh, Advocate

For the Opposite Party/s : Mr. Sri Bharat Lal, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 20-04-2017

Heard the parties.

The petitioners seek bail in connection with Manihari P.S. Case No. 194 of 2016 registered for offences under sections 147, 148, 341, 323, 379, 307, 354, 504 and 506 of the Indian Penal Code.

The allegation as per the FIR against petitioner no. 1 is that he is order giver, so far as petitioner no. 2 is concerned, there is general and omnibus allegation. So far as petitioner no. 3 is concerned, there is allegation of snatching of one chain and so far as the petitioner no. 4 is concerned, there is allegation of undressing the informant.



It would appear that earlier the case was registered under section 307 IPC and later on as the mother-in-law of the informant died, section 302 was also added.

It has been submitted on behalf of the petitioners that there is a case and counter case between the parties which will appear from Annexure-2 and 3 and from Annexure-4, it will also appear that the deceased was referred for higher treatment but the informant and others have assaulted the doctor and with respect to that the Deputy Superintendent of Police has lodged the case in relation to that and all the petitioners are in custody for about more than six months.

Heard learned A.P.P. as well as learned counsel for the informant.

Learned counsel for the informant has opposed the prayer for bail. However, he has not controverted the submission made by learned counsel for the petitioners.

Considering the aforesaid aspect of the matter and the allegations to be general in nature and there is a case and counter case and the petitioners are in custody for more than six months, as such, let the petitioners, namely, (1). Chamru Paswan; (2). Uttam Paswan; (3). Soni @ Sunita Devi @ Mosmat Soni Devi; and (4). Sanjay Paswan @ Sanjay Kumar Paswan be



released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of Sri S.K. Singh, Judicial Magistrate, 1st Class, Katihar in connection with Manihari P.S. Case No. 194 of 2016; with following conditions:

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioners shall co-operate in the trial and they will appear on each and every date fixed in the trial and failure to appear on two consecutive date without reasonable explanation to the satisfaction of the court concerned, their bail bond shall be cancelled.

Accordingly this application is allowed.

(Vinod Kumar Sinha, J)

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