

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1182 of 2017

Arising Out of PS.Case No. -156 Year- 2016 Thana -MADHEPURA District- MADHEPURA

- =====
1. Santosh Paswan, Son of Siyaram Paswan.
 2. Deepak Paswan, Son of Ashok Paswan. Both residents of Village-Dudhaila, Police Station-Madhepura, District-Madhepura.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Manoj Kumar, Advocate.

For the Opposite Party : Mr. Pramod Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-01-2017 Heard learned counsels for the petitioners, informant and learned counsel for the State.

The petitioners are apprehending their arrest in connection with Madhepura P.S. Case No. 156 of 2016 for the offences instituted under Sections 147, 341, 323, 324, 307, 354 and 379 of the IPC. Later on Section 302 of the IPC was also added.

The prosecution story, in brief, is that on 23.03.2016 at 7.00 P.M., the informant and her husband Raj Kumar Paswan(deceased) was returning to her house from Singheshwar Market then co-accused Amod Paswan caught hold the hand of the informant with bad intention and petitioner no. 1 pulled her Sari.



Petitioner no. 2 torn blouse of the informant due to which she became naked completely. When her husband protested co-accused Dayanand Paswan assaulted on his head with Iron rod due to which, his head got fractured and he became stained with full of blood. Co-accused Rajesh Paswan, Surya Narayan Paswan, Lalan Paswan and Rajbali Paswan assaulted her husband on other parts of his body with Lathi. Co-accused Surya Narayan Paswan snatched silver chain from the neck of the informant. Co-accused Lalan Paswan snatched gold nose-pin from the informant and co-accused Rajesh Paswan took out articles worth Rs. 1,000/-. Co-accused Rajbali Paswan, Surya Narayan Paswan, Amod Paswan and Rajesh Paswan threw the dead body of her husband and fled away.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. They have falsely been implicated in the present case. The main allegation has been made against co-accused, namely, Dayanand Paswan. There is no overt act alleged against the petitioners for causing any injury upon the deceased.

On behalf of the learned counsels for the informant and the State, it has been submitted that the petitioners are named in



the F.I.R. and there is specific allegation of committing sexual abuse against the wife of the deceased.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioners. The same is rejected in connection with Madhepura P.S. Case No. 156 of 2016, pending in the court of learned C.J.M. Madhepura. If the petitioners surrender in the court below, the same shall be considered on its own merit without being prejudiced by the order of this Court.

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(Sudhir Singh, J)

