

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6052 of 2017

Arising Out of PS.Case No. -327 Year- 2016 Thana -KUDHNI District- MUZAFFARPUR

- =====
1. Mukesh Paswan Son of Late Jogindra Paswan.
 2. Rinku Devi Wife of Mukesh Paswan. Both of Village-Khajanpura P.S. Patepur District-Vaishali.
 3. Banshilal Paswan Son of Ram Prasad Paswan Resident of Village-Sumera Murgia P.S. Kudhani. District-Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar

For the Opposite Party/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

2 17-02-2017

Heard learned counsel for the petitioners and

the State.

The petitioners apprehend their arrest in Kudhani (Kurhani) P.S. Case No. 327 of 2016 instituted for the offence under Section(s) 302, 34 of the Indian Penal Code and Section 3(II)(V) of the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act.

It has been submitted that the informant and the petitioners belong to the same caste, therefore, there will be no application of offence under the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act. It is further submitted that petitioners are not the family members of the husband of the victim. Petitioner No. 1 is the villager, petitioner No. 2 is wife of



petitioner No. 1 and petitioner No. 3 is brother-in-law (sala) of petitioner No. 1.

From the written report, it appears that the informant married his daughter with one Muntun Paswan about ten years prior to lodging of the present case. It is alleged that she was tortured by her husband and the petitioners. The informant got information on 13.10.2016 that his daughter has been done to death by her husband and these petitioners.

From the impugned order, it appears that there is general and omnibus allegation against the petitioners.

In the facts and circumstances of the case, the prayer of the petitioners for anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Kudhani (Kurhani) P.S. Case No. 327 of 2016, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of 3rd Additional Sessions Judge-cum-Special Judge, SC/ST Act, Muzaffarpur, subject to the conditions as laid down under Section 438(2) of Cr.P.C.

(Sanjay Priya, J)

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