

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35898 of 2017

Arising Out of PS.Case No. -70 Year- 2016 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

=====

1. Asharfi Paswan, S/o Late Bishundayal Paswan,
2. Ashok Paswan, S/o Asharfi Paswan,
3. Sunita Devi, W/o Ashok Paswan,
4. Kuni Devi, W/o Asharfi Paswan,
5. Dhanmati Devi @ Dhanmanti Devi, W/o Sanjay Paswan, All are R/o
Village- Madhubanighat, P.S.- Motihari Mufassil, District- East
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma

For the Opposite Party/s : Mr. Sri Satyadev Prasad Singh Yadav

=====

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 19-08-2017 Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Mufassil Police Station Case No. 70 of 2016, disclosing
offences under Sections 323, 341, 307, 387, 328, 354(A)(B)(C),
379/34 of the Indian Penal Code.

Learned counsel for the petitioners has submitted
that the petitioners, who are of clean antecedent, is innocent and
have not committed any offence. In fact, the alleged occurrence
is of 13.09.2015 whereas the First Information Report has been
lodged on 24.02.2016 after lapse of six months without



explaining plausible delay, which itself creates doubt on the prosecution version. As a matter of fact, these petitioners have been made accused in this case on account of land dispute between the parties. Moreover, there is no injury report available on the record with respect to allegation of assault. Hence, the petitioner deserves the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Mufassil Police Station Case No. 70 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Arvind Srivastava, J)

brajesh/-

U		T	
---	--	---	--

