

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38249 of 2017

Arising Out of PS.Case No. -328 Year- 2017 Thana -MUZAFFARPUR SADAR District-
MUZAFFARPUR

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Baldeo Paswan Son of Late Anurag Paswan, R/o Mohalla- Bhagwanpur
Chatti School Road, P.S.- Sadar, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 18-08-2017 Heard learned counsel for the petitioner and learned counsel
for the State.

The petitioner apprehends his arrest in connection with
Sadar P.S. Case No. 328 of 2017 registered for the offences
punishable under Sections 457 and 380 of the IPC.

Allegation is that in the night of 19/20.06.2017 when the
informant and this petitioner were sleeping on the roof of her
neighbour Kailash Paswan, the petitioner came down and
committed theft of cash amount of Rs. 40,000/- and other valuable
papers and ornaments after breaking the lock of her house.

Learned counsel for the petitioner submits that the present
case has been lodged in retaliation to the case filed by the wife of
this petitioner. The husband of the informant and other co-accused



person had committed mischief with the wife of this petitioner for which a complaint case was filed on 17.05.2017 in the Court of C.J.M., Muzaffarpur. The copy of said complaint case was sent to police station under Section 156(III) of the Cr. P.C. on the basis of which Sadar P.S. Case No. 305 of 2017 was registered for the offence under Section 354, 379, 504, 323, 376, 147 of the IPC. After filing of the said case the informant has lodged the present case after a delay of more than one month. The allegation of theft is vague and no offence under Section 457 and 380 of the IPC and so the petitioner deserves anticipatory bail. The learned Additional Public Prosecutor opposed the submission.

On perusal of documents produced on behalf of the petitioner it appears that there is delay of above 38 days in lodging the present case and it was filed after the police case lodged by the wife of the petitioner.

Considering the facts and circumstances, as stated above, this application for anticipatory bail is allowed. Let the petitioner, above named, in the event of arrest or surrender before the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Muzaffarpur in connection



with Sadar P.S. Case No. 328 of 2017, subject to the condition as
laid down under Section 438 (2) of the Criminal Procedure Code.

(Sanjay Kumar, J)

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