

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44095 of 2016

Arising Out of PS.Case No. -320 Year- 2015 Thana -PATORI District- SAMASTIPUR

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1. Maheshwar Paswan
2. Dhaneshwar Paswan Both are S/o Brahmdeo Paswan Both are Resident
of Village-Brahampur Bande, P.S.- Patori, Distt- Samastipur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan

For the Opposite Party/s : Mr. Sri Abhay Kumar - 1

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

5 11-01-2017 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with
Patori Police Station Case No. 320 of 2015 registered for the
offences punishable under Sections 341, 323, 307/34 and 504 of
the Indian Penal Code.

The Superintendent of police, Samastipur, has sent his
explanation as well as injury reports of injured persons of this
case. The perusal of explanation sent by the Superintendent of
Police, Samastipur goes to show that initially he tried to shift
responsibility for not sending the injury reports of the injured
persons of this case on the shoulder of Chief Judicial Magistrate,
Samsatipur, but, later on, he became cautious and accepted the
negligence of investigating officer and that is the reason, he



initiated a departmental proceeding against the investigating officer. Moreover, the investigation of the present case is glaring example to show as to how the criminal cases are being investigated by the police department of this State. The injury reports of the other injured have already been received and it appears that almost all the injured of this case sustained simple injuries caused by hard and blunt substance.

Submission on behalf of the petitioners is that almost all the sections are bailable in nature except 307 of the Indian Penal Code which is not applicable in the present case.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioners, in the event of their arrest/surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Samstipur in Patory Police Station Case no. 320 of 2015, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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