

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38424 of 2017

Arising Out of PS.Case No. -507 Year- 2016 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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1. Rajpati Devi, Wife of Mahabir Paswan.
2. Brahma Paswan, Son of Mahabir Paswan.
3. Mahabir Paswan, Son of Late Ram Sharan Paswan.
4. Sharma Paswan, Son of Mahabir Paswan.
5. Ranjeet Paswan, Son of Mahabir Paswan. All are residents of Village-Nariarwa, P.S.- Turkauliya, District- East Champaran.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.Iii

For the Opposite Party/s : Mr. Atul Chandra

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 21-08-2017

Heard learned counsel for the petitioners.

The petitioners are apprehending their arrest in connection with Turkauliya P.S. Case No. 507 of 2016 registered for the offences punishable under Sections 341, 323, 324, 447, 307, 504, 509/34 of the Indian Penal Code and 3/4 of Prevention of witch (Daain) Practices Act.

Allegation against the petitioner No.1 is of instigating petitioner No.2 to bring night soil and petitioner No.2 administered the same to the mother of informant and further allegation against all the accused persons is of assaulting the mother of informant.



It has been submitted on behalf of the petitioners that whole case is false and concocted as there is case and counter case between the parties in which petitioner No.1 also received injury which is grievous in nature. It has further been submitted that though there is allegation of assault against petitioners Nos. 2 to 5 but the injuries are said to be simple in nature.

Heard learned APP also.

Having heard both sides and in view of facts and circumstances, let the petitioners Nos. 1 and 4, named above, surrender in the court below within a period of four weeks from the date of receipt/production of a copy of this order and on their so surrendering they shall be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, East Champaran, Motihari, in connection with Turkauliya P.S. Case No. 507 of 2016, G.R.No. 5303 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further conditions that :-

- (i) One of the bailors should be a local person having sufficient immoveable properties within the jurisdiction of court concerned,
- (ii) Petitioners shall co-operate in the



investigation and make themselves available before the police as and when required and in the event of failure on their part to appear before the police on two consecutive dates, the prosecution shall be free to move for cancellation of their bail bonds,

- (iii) Petitioners will not induce any witness or tamper with the evidence.

So far prayer for anticipatory bail of petitioners Nos. 2, 3 & 5 is concerned, they are directed to surrender in the court below within six weeks and pray for regular bail, which shall be considered on the materials available on record, without being prejudiced by this order.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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