

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13570 of 2017

Arising Out of PS.Case No. -236 Year- 2016 Thana -MANIHARI District- MUZAFFARPUR

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1. Jagdish Paswan, Son of Yogendra Paswan, resident of Baghi Maniyari,
P.S. Maniyari, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Upendra Kumar, Advocate
Kumari Sujata Sinha, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha (APP-102)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 25-04-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner apprehends his arrest in connection
with Maniyari P.S. Case No. 236 of 2016, registered for the
offences punishable under Sections 147, 148, 149, 341, 323, 324,
307, 354(B), 447, 504, and 506 of the Indian Penal Code.

Allegation against the petitioner is that he gave spear
blow on the head of the informant causing bleeding and all
assaulted with lathi, danda and when Ravi Kumar son of the
informant came for rescue he was also assaulted by all and further
they caused threats to kill the informant and his family members
and to implicate them in Harijan Atrocities cases.

Submission is of false implication and that the petitioner



is an old man aged about 80 years, he was not present at the time of occurrence, his name has been taken only with a view to harass him. During investigation, it has come that it was Pappu Paswan who assaulted the informant and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail by submitting that against the petitioner there is serious allegation for assaulting the informant with spear on his head.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, I am not inclined to grant privilege of pre-arrest bail to him and accordingly his such prayer stands rejected in connection with Maniyari P.S. Case No. 236 of 2016, pending in the Court of Sri M.K. Mishra, J.M. 1st Class, West Muzaffarpur

However, in case and if so advised the petitioner surrenders and seeks regular bail then his prayer for regular bail shall be considered, considering his old age preferably on the same day on its own merits without being prejudiced by the order of this Court.

(Jitendra Mohan Sharma, J.)

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