

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.846 of 2017

Arising Out of PS.Case No. -255 Year- 2016 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Mahesh Paswan son of Late Yogendra Paswan
 2. Gyanti Devi Wife of Mahesh Paswan
 3. Kanhaiya Paswan son of Mahesh Paswan
 4. Kishore Paswan son of Mahesh Paswan, all are resident of Village-
Barwa Kala Tola Kachariya P.S. Ghorasahan, District- East
Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Sri Manish Kumar 2

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 12-01-2017 Heard the learned counsel for the petitioners as well
as the learned A.P.P. for the State.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Ghorasahan P.S. Case No. 255 of 2016 for the offences punishable under sections 341, 323, 324, 379, 307, 504 and 506/34 of the I.P.C.

Allegedly, the petitioners were closing the road after putting Tati and when the informant asked reason the petitioner no.1 gave iron rod blow on his head resulting rapture of his head and the informant fell down and thereafter Kishore Paswan (petitioner no.4) assaulted Mathura Patel and he also became



injured and during occurrence Kanhaiya Paswan (petitioner no.3) took out Rs. 5,000/- from the pocket of the informant and threatened to lodge case under SC/ST Act.

Submission is of false implication and that there is case and counter case, Mathura Patel has received simple injury, whereas, Rakesh Patel, the informant, has received grievous and lacerated wound on the centre of the head, petitioner no.1 has lodged case bearing Ghorasahan P.S. Case No. 254 of 2016, thereafter this case has been lodged and as such the petitioners deserve sympathetic consideration.

The learned A.P.P. opposes prayer for bail of petitioner no.1.

In the facts and circumstances as stated above, considering the allegation attributed against petitioner no.1 that he caused head injury to the informant by iron rod which has been found grievous in nature and as such I am not inclined to grant privilege of pre-arrest bail to petitioner no.1, namely, Mahesh Paswan and accordingly his prayer for pre-arrest bail stands rejected.

However, considering the allegation against petitioner nos. 2, 3 and 4, namely, Gyanti Devi, Kanhaiya Paswan and Kishore Paswan, they, in case of their arrest or surrender within



four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of. S.D.J.M. Sikrahana at Motihari, East Champaran in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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