

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46755 of 2016

Arising Out of PS.Case No. -220 Year- 2016 Thana -MAHUA District- VAISHALI(HAJIPUR)

- =====
1. Uttam Paswan S/o Late Chandeshwar Paswan
 2. Mahesh Paswan S/o Late Jamun Paswan
 3. Shivnath Paswan S/o Late Bhagera Paswan
 4. Vinay Paswan S/o Late Chulhai Paswan
 5. Beni Paswan S/o Late Shaukhi Paswan

All are residents of Vill- Muksudpur, P.S.- Mahua, Distt- Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha, Advocate

For the Opposite Party No.1: Mr. Ram Priya Saran Singh, APP

For the Opposite Party no.2 : Mr. Diwakar Yadav, Advocate

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 25-01-2017 Heard learned counsel for the petitioners, learned
counsel for the opposite party no.2 and learned APP for the State.

The petitioners are apprehending their arrest in connection with Mahua P.S.Case No. 220 of 2016, registered for offences punishable under Sections 307, 302 and some other allied offences of the Indian Penal Code.

It has been submitted on behalf of the petitioners that there is no specific allegation against the petitioners; rather the allegation is omnibus in nature and whatever the allegation is there that is against one co-accused Monarik Paswan. It has further been submitted that during course of investigation, some



materials have come which show that some of the witnesses have stated before the police that this is an accidental death and not intentional. It has also been submitted that even from the FIR, it will also appear that quarrel took place between Monarik Paswan and informant Mohan Paswan and thereafter the names of the petitioners and other accused persons have also been mentioned.

Heard learned APP for the State and learned counsel for the informant also.

While opposing the prayer for bail, it has been submitted that the investigation is going on and after releasing on bail, the petitioners may threaten the witnesses and by that evidences may be tampered.

Having heard learned counsel for parties and in view of the facts and circumstances as stated above, the petitioners named above, are directed to surrender in the court below and the court below will consider this aspect of the matter that there is no specific allegation against these petitioners and so far allegation of assault is concerned, it has been alleged against other co-accused and will also consider the materials mentioned in paragraphs 9,10 and 14 of the case diary and after considering the materials available in the case diary will pass appropriate order without being prejudiced by this order, if possible, on the same



day.

The present application stands disposed of with the observations and directions made above.

(Vinod Kumar Sinha, J)

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