

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7991 of 2017

Arising Out of PS.Case No. -395 Year- 2016 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Babu Ram Paswan @ Bikram Paswan @ Babu Ram, son of Late Ramdhari Paswan @ Ramdhani Paswan,
 2. Hitendra Paswan son of Babu Ram Paswan Both Residents of Village-Sirisia, P.S.- Sathi, District- West Champaran.
 3. Mankeshwar Paswan son of Lagan Paswan.
 4. Niraj Paswan son of Sheshnath Paswan. Both Residents of Village-Bhasurari, P.S.- Shikarpur, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Sri Satyendra Prasad

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 12-04-2017 Supplementary affidavit has been filed on behalf of the petitioners which is kept on the record.

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 Shikarpur P.S. Case No. 395 of 2016 for the offences punishable under sections 341, 323, 387, 379 and 504/34 of the I.P.C.

Allegedly, the petitioners and co-accused Sheshnath Paswan after armed with *Nalkatti* and *Lathi* surrounded the



informant. The petitioner no.1 abused and demanded ransom and directed to kill him and then out of fear the informant gave Rs. 10,000/- to Sheshnath Paswan. Hitendra Paswan gave blow on his head and snatched gold chain. They further demanded Rs.30,000/- otherwise not to cultivate the land.

Submission is of false implication and that there is no injury report, no ransom was ever demanded and due to the enmity the petitioners have been implicated in this case, there is land dispute between the parties and as such the petitioners deserve sympathetic consideration.

The learned A.P.P. seriously opposes prayer for pre-arrest bail of the petitioners by submitting that the petitioners have demanded ransom and snatched the gold chain also. He further took Rs. 10,000/-

In the facts and circumstances as stated above, considering that against petitioner nos. 3 and 4, namely, Mankeshwar Paswan and Niraj Paswan, there is no specific allegation of committing any overtact and as such 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. C.J.M.



West Champaran at Bettiah in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

But considering the allegation against petitioner nos. 1 and 2, namely, Babu Ram Paswan @ Bikram Paswan @ Babu Ram and Hitendra Paswan which are specific, I am not inclined to grant privilege of pre-arrest bail to them and accordingly their such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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