

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21632 of 2017

Arising Out of PS.Case No. -474 Year- 2016 Thana -SAUR BAZAR District- SAHARSA

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1. Dinesh Paswan, Son of Dani Paswan

2. Manish Kumar, Son of Dinesh Paswan,

Both are Resident of Village-Purwi Sahuriya Tola, Sonbarsa, Police Station- Saur Bazar, District- Saharsa.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 06-07-2017 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners seek pre-arrest bail in connection with Saur Bazar P.S. Case No. 474 of 2016 registered for the offences punishable under Sections 341, 323, 379, 307, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

It is submitted by the learned counsel for the petitioners that the instant case has been instituted merely because the daughter of the elder brother of the informant was



having affair with petitioner no.2 and as of consequence they married with each other. The elder brother of the informant, namely, Suresh Yadav lodged Saur Bazar P.S. Case No.150 of 2016 dated 25.04.2016 alleging therein that his daughter has been kidnapped by these petitioners and other co-accused. However, in course of investigation, the alleged victim girl appeared and her statement was recorded under Section 164 of the Code of Criminal Procedure on 11.05.2016, in which she stated that her family members wanted to marry her with one Vikash Kumar whom she did not like. Since she was in love with petitioner no.2 Manish Kumar, out of her own free will she got married with him.

It is stated that it is only for the aforesaid reason that another case has been instituted by the informant of the case in order to humiliate and harass the petitioners, who are father and son respectively.

Learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioners.

Having regard to the nature of the offence and the submissions made above, the petitioners are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the



satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Saur Bazar P.S. Case No.474 of 2016 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, in the event of their arrest or surrender within a period of six weeks from today.

(Ashwani Kumar Singh, J.)

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