

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35656 of 2018

Arising Out of PS.Case No. -42 Year- 2018 Thana -MAHESI District- SAHARSA

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1. Sajan Paswan @ Sajan Kumar, S/o Baijnath Paswan,
2. Manish Paswan, Son of Late Domi Paswan.
3. Nitish Paswan, Son of Suresh Paswan.
4. Sushil Paswan, Son of Bholu Paswan,
5. Suresh Paswan, Son of Ram Bharosh Paswan.
6. Bino Paswan, Son of Ram Bharosh Paswan,
7. Navin Paswan, son of Late Bechu Paswan,

All are resident of Village- Manowar, O.P. Jalai, Police Station-Mahishi,
District- Saharsa.

.... Petitioners

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. Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 29-06-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection
with Mahishi P.S. Case No. 42 of 2018 registered under Sections
341, 323, 379, 307, 354A, 506 and 504 read with 34 of the
Indian Penal Code.



It is submitted that from perusal of the first information report, it would be apparent that there is no specific overt act made against the petitioners rather a vague and general allegation has been made against all the petitioners. The fact behind the false implication of the petitioners is that the informant along with his associates came at the field of the petitioner no.1 and started abusing him by taking his caste name and started fishing from the canal, which was protested by him on which they assaulted petitioner no.1. Thereafter, while the brother of petitioner no.1 came to rescue, he was also subjected to assault. The police instituted and registered Mahishi P.S. Case No.43 of 2018 on 26.02.2018 under Sections 341, 323, 379, 504 read with 34 of the Indian Penal Code and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the informant and seven others. It is further submitted that the petitioners are men of clean antecedent and having roots in the society, they are not likely to abscond or tamper with the evidence.

Opposing the application for grant of pre-arrest bail to the petitioners, it is submitted by the learned counsel for the State that there is allegation that petitioners had teased the lady



members of family of the informant.

Considering the fact that there is case and counter case and omnibus allegation has been made against altogether eight persons, in the event of arrest or surrender in the court below within six weeks from today, the petitioners, who are said to be men of clean antecedent, 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 the learned Sub Divisional Judicial Magistrate, Saharsa in connection with Mahishi P.S. Case No. 42 of 2018 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

Sanjeet/-

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