

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3011 of 2018

Arising Out of PS.Case No. -108 Year- 2016 Thana -DEEPNAGAR District- NALANDA
(BIHARSHARIFF)

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1. Dabloo Paswan,
2. Lallu Paswan,
Both sons of Bilash Paswan,
3. Vilash Paswan, Son of Ram Tahal Paswan,
All resident of Village- Nagama, Police Station- Deepnagar, District-
Nalanda.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Smt. Indu Kumari Srivastava, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 22-03-2018 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in **Deepnagar**
P.S. Case No. 108 of 2016 instituted for the offence under
Sections 147, 148, 149, 323, 341, 448, 302 and 504 of the Indian
Penal Code.

Learned counsel for the petitioners has submitted that
there is general and omnibus allegation against all the accused
persons including the petitioners that they assaulted the father of
the informant with *lathi*, *danda*, *khanti* etc. who sustained injury
and was taken to P.M.C.H. for better treatment, but on the way he



died.

Case diary has been received.

Learned A.P.P. has submitted that in paragraphs-26 and 27 of the case diary the family members of the deceased (sister-in-law (*Bhabhi*) and wife of the informant) have specifically stated about allegation against petitioner No. 1 of causing injury on the head of father of the informant with Khanti, on account of which, he sustained bleeding injury and became unconscious. Subsequently, he died while being taken to PMCH for treatment.

Post mortem report is available in the case diary wherein the Doctor has opined cause of death due to head and abdominal injuries leading to haemorrhage and shock caused by hard and blunt substance.

Therefore, this Court is not inclined to grant anticipatory bail to petitioner No. 1 namely, Dabloo Paswan.

Prayer for anticipatory bail of petitioner No. 1 stands rejected.

So far petitioner Nos. 2 and 3 are concerned, there is general and omnibus allegation against them, prayer for anticipatory bail of the petitioner Nos. 2 and 3 namely, Lallu Paswan and Vilash Paswan is allowed. In the event of



surrender/arrest of the petitioner Nos. 2 and 3, named above, within six weeks from today, in connection with **Deepnagar P.S. Case No. 108 of 2016**, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of **learned Chief Judicial Magistrate, Nalanda at Biharsharif**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bond and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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