

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.62882 of 2018

Arising Out of PS.Case No. -216 Year- 2018 Thana -SAHEBGANJ District- MUZAFFARPUR

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1. Kiran Devi, W/o Darshan Paswan,
2. Pukar Paswan, S/o Darshan Paswan, Both R/o Vill.- Semra Nizamat,
P.S.- Sahebganj, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Mr. Sri Upendra Kumar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-10-2018 Heard learned counsel for the petitioners and learned APP for
the State.

The petitioners are apprehending their arrest in a case
registered under Sections 147, 149, 341, 323, 307, 448 & 504 of
the Indian Penal Code.

The allegation against the petitioner No. 1 is of dragging the
informant wrapping Gamchha in the neck of the informant while
the petitioner No. 2 is alleged to have assaulted him with iron rod.

It has been submitted on behalf of the petitioners that the
petitioners have got no criminal antecedent. There is no allegation
of tampering of witnesses alleged against the petitioners. The
petitioners have been falsely implicated in the present case due to
previous enmity. No injury is attributed against the petitioner No.
1. So far petitioner No. 2 is concerned, he is alleged to have
assaulted the victim.



On behalf of the State, it is submitted that the petitioners are named in the Complaint Case/F.I.R. The specific allegation of firing upon the informant is alleged against the petitioner. The injury report also supports the allegations, made in the FIR.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner No. 2. Accordingly, prayer for anticipatory bail of the petitioner No. 2 is rejected.

If the petitioner No. 2 surrenders in the court below, the same shall be considered on its own merit without being prejudiced by this order.

So far as petitioner No. 1 is concerned, let the petitioner No. 1, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-Ist, West, Muzaffarpur in connection with Sahebganj P.S. Case No. 216 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

A.K.V./-

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