

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.66559 of 2018

Arising Out of PS.Case No. -173 Year- 2018 Thana -BALIYA District- BEGUSARAI

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1. Ramudit Paswan.
 2. Jito Paswan. Both are Sons of Chandradeo Paswan, Resident of Village- Chhoti Balia, Near Govind Bhawan, P.S. Balia, District- Begusarai.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Pritish Kumar Lal, Advocate.

For the Opposite Party : Mr. Bhanu Pratap Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-11-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 447, 341, 323, 386, 379 and 307/34 of the IPC.

The prosecution story, in brief, is that the informant Amit Poddar was in his house, in the meantime, petitioners, and co-accused Govind Paswan, Kailash and Sunil Paswan came and said that he expended Rs. 1000/- on lodging a case under Sections 107 and 147 Cr. P.C. The informant replied that he has filed the same for getting decision, thereafter, petitioner no. 2 Jito Paswan took out pistol from waist and pointed on his temporal region and



demanded ransom under threat to kill and when he refused to pay, he ordered to kill him then all accused persons assaulted him with *Lathi* and *rod*. His son and wife came to save him, then they assaulted them also. Petitioner no. 1 Ram Udit Paswan snatched his chain from neck amounting to Rs. 45,000/-, petitioner no. 2 Jito Paswan took away golden chain of his wife worth Rs. 60,000/- co-accused Junil Paswan assaulted over his head with the *Butt* of pistol. Due to fear of death, Asha Devi, wife of informant delivered 50,000/- to petitioner no. 2 Jito Paswan, co-accused Dheto assaulted his wife and injured her badly. Then the injured were treated at *Ballia Hospital*.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. Nature of injury is said to be simple. Hence, no offence under Section 307 of the IPC is made out. Rests of the offences are triable by the Magistrate.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or 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) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Begusarai, in connection with Balia P.S. Case No. 173 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

