

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.63932 of 2018

Arising Out of PS. Case No.-125 Year-2017 Thana- KALYANPUR District- East
Champanan

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1. Kirani Paswan,
 2. Dhodha Paswan,
 3. Radheshyam Paswan @ Radheshyam Kumar,
 4. Munni Kumari,
- All the four are Sons and Daughter of Badri Paswan,
5. Punam Devi, W/o Dhorha Paswan,
 6. Sangeeta Devi, W/o Kirani Paswan,
 7. Chinta Devi, W/o Popun Paswan,
- All resident of Village- Siswa Kharar, P.S.- Kalyanpur,
District- East Champanan.

... ... Petitioner/s

Versus

The State of Bihar.

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar -1, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 13-12-2018 Heard the learned counsel for the petitioners and

the State.

The petitioners seek bail in anticipation of their

arrest connection with Kalyanpur P.S. Case No. 125 of

2017, dated 14.07.2017, instituted for the offences under

Sections 341, 323, 354, 379, 307 and 504/34 of the Indian



Penal Code and Section 3/4 of the Prevention of Witch (Daain) Practices Act, 1999.

The learned counsel for the petitioners has submitted that they have been falsely implicated in the present case which would be evident from the fact that no date and time of the occurrence has been stated in the F.I.R. and that prior to the occurrence, as alleged in the subject F.I.R., the wife of one of the petitioners had filed a case against some of the persons of the locality for having attempted to commit rape upon her and in the process, the informant of the present case supported and assaulted the wife of one of the petitioners.

Mr. Umesh Chandra Verma, learned Advocate for the petitioners has also drawn the attention of this Court to the fact that in both the cases, contained in Annexures-1 and 2, an out of Court settlement has been arrived at between the parties.

From the perusal of the impugned order, it appears that the aforesaid facts were made known to the learned Court below, who directed the petitioners to surrender and



seek regular bail.

This Court is also of the same view. The petitioners ought to approach the Court below and seek regular bail.

The prayer for grant of anticipatory bail of the petitioners is, accordingly, rejected with a direction to the petitioners to surrender before the Court below and seek bail.

Should such an application be filed before the Court below within a period of four weeks from today, the Court below shall take into account all the facts including the earlier case lodged by the wife of one of the petitioners and the settlement having been arrived at between the parties in both the cases.

(Ashutosh Kumar, J)

Praveen-II/-

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