

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18950 of 2019

Arising Out of PS. Case No.-269 Year-2018 Thana- OBRA District- Aurangabad

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1. RAVINDRA PASWAN Son of Krishna Paswan R/o Village- Bharub, P.S.- Obra, District- Aurangabad
 2. Kusum Devi Wife of Sanjay Paswan R/o village- Bharub, P.S.- Obra, District- Aurangabad
 3. Bhim Paswan Son of Satyendra Paswan R/o village- Bharub, P.S.- Obra, District- Aurangabad
 4. Munna Paswan Son of Satyendra Paswan R/o village- Bharub, P.S.- Obra, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Adv. Mr. Vijay Anand
For the Opposite Party/s	:	Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 24-07-2019 Heard learned Senior Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Obra Police Station Case No. 269 of 2018, disclosing offences under Sections 147/148/365/120B of the Indian Penal Code.

The allegation against the petitioners, as per the First Information Report, is that on 09.09.2018, when the informant was returning along with her husband, at about 7 PM, one Sanjay Paswan came and told the husband of the informant that



one Upendra Paswan was calling him and accordingly her husband accompanied Sanjay Paswan. It has further been alleged that when the informant was making search regarding the whereabouts of her husband, she was told by some villagers that at about 3-4 PM, the husband of the informant was seen along with these petitioners and others.

Learned Senior Counsel appearing on behalf of the petitioners submits that from perusal of the First Information Report, no offence is made out against these petitioners inasmuch as even taking into consideration the First Information Report, it would be evident that at best, prior to the occurrence, these petitioners were seen along with the husband of the informant and other co-accused; whereas after that, at about 7 PM, the informant was allegedly accompanying her husband when one Sanjay Paswan took her husband saying that somebody was calling him. He further submits that as per the theory of last seen, it was Sanjay Paswan who took the husband of the informant.

After having heard learned Counsel for the parties and taking into consideration the fact that the petitioners were merely seen with the husband of the informant prior to the occurrence and at the time of occurrence, the presence of the



petitioners was not with the husband of the informant, I find it a fit case for grant of privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioners, named above, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Aurangabad, in connection with Obra Police Station Case No. 269 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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