

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37900 of 2019

Arising Out of PS. Case No.-20 Year-2018 Thana- BIHRA District- Saharsa

1. SHIBO PASWAN Son of - Pirwat Paswan Resident of Village- Loukahi, P.S.- Bihra, Dist.- Saharsa.
2. Laltun Paswan Son of - Siya Ram Paswan Resident of Village- Loukahi, P.S.- Bihra, Dist.- Saharsa.
3. Mantun Paswan Son of- Siya Ram Paswan Resident of Village- Loukahi, P.S.- Bihra, Dist.- Saharsa.
4. Pankaj Paswan Son of- Shiv Shankar Paswan Resident of Village- Loukahi, P.S.- Bihra, Dist.- Saharsa.
5. Chhotku Paswan Son of- Siya Ram Paswan Resident of Village- Loukahi, P.S.- Bihra, Dist.- Saharsa.
6. Baijnath Paswan @ Keshi Paswan Son of - Late Mahibir Paswan Resident of Village- Loukahi, P.S.- Bihra, Dist.- Saharsa.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha
For the Opposite Party/s : Mr.Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 21-06-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Bihra P.S. Case No. 20 of 2018 for the offence punishable under Sections 341, 323, 447, 354(B), 379, 385, 504 and 506/34 of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioners has submitted that all the injuries have been found to be simple in nature and these petitioners have falsely been implicated in the other case also by the informant's side because



of long pending disputes between them. He has argued that a criminal case has been lodged against the informant and others vide Bihra P.S. Case No. 249 of 2017 for the offences punishable under Sections 376, 366A and other provisions of the Indian Penal Code. It has further been argued that in course of investigation, the petitioners were given benefit of the provisions under Section 41A(1) of the Cr.P.C. and they never misused the said privilege. The subsequent filing of the charge-sheet by the police, after completion of investigation, has necessitated the petitioners approaching the Court for grant of anticipatory bail.

Considering the above submission and particularly the fact that investigation is complete and the petitioners had participated in course of investigation after having been given privilege under Section 41A(1) of the Cr.P.C., this application is allowed.

Let the petitioners above named, in the event of their arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Saharsa, in Bihra P.S. Case No. 20 of 2018, subject to the conditions as



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.

(Chakradhari Sharan Singh, J)

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