

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49122 of 2019**

Arising Out of PS. Case No.-59 Year-2017 Thana- AIRPORT District- Patna
=====

1. MRITUNJAY PASWAN @ MIRTUNJAY KUMAR, aged about 23 years, male, Son of Ramautar Paswan Resident of Village - Bakharpur (Bakarpur), P.S.- Pirpanti, District- Bhagalpur
2. Chhoti Kumari, aged about 20 years, female, Wife of Mritunjay Paswan @ Mritunjay Kumar Resident of Village - Bakharpur (Bakarpur), P.S.- Pirpanti, District- Bhagalpur
3. Ram Autar Paswan, aged about 55 years, male, Son of Rambrichh Paswan Resident of Village - Bakharpur (Bakarpur), P.S.- Pirpanti, District- Bhagalpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioners : Mr. Uday Kumar, Advocate.

For the Opposite Party: APP

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 06-08-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 341, 323, 354, 506, 379 of the Indian Penal Code registered in connection with Hawaii Adda P.S. Case No. 59 of 2017.

3. It is submitted that the petitioners have been falsely implicated and as a matter of fact the informant is in the habit of filing false cases against her husband and in-laws. The petitioner no. 1 is a cousin brother-in-law, petitioner nos. 2 and 3 are his wife and his father respectively. The informant's husband



Sikandar Paswan was granted anticipatory bail in Cr. Misc. No. 32576 of 2017 after noticing that the informant did not appear to be ready to live with him. It is therefore submitted that there was no occasion for the informant to go with the petitioners. The petitioner no. 3 is the uncle-in-law of the informant and it is highly improbable that he would misbehave with the informant in the presence of his son and daughter-in-law (petitioner nos. 1 and 2). The petitioner no. 1 is an accused in one prior case lodged by the present informant.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of Smt. Tanveer Kaur, learned Judicial Magistrate, Patna in connection with Hawaii Adda P.S. Case No. 59 of 2017, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors of each of the petitioners shall be their close relatives other than the petitioner.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves



available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner no. 2 shall be well represented in Court on each and every date during trial except as and when directed by the learned Court to be physically present and petitioner nos. 1 and 3 shall remain physically present in Court on each and every date, and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Ibrar//-

U		T	
---	--	---	--

