

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55919 of 2019

Arising Out of PS. Case No.-280 Year-2018 Thana- MOKAMAH District- Patna

1. Manoj Paswan S/o Late Gaya Paswan Resident of Bhatwan More Western Near More Railway Station, P.S.- Mokama, Distt.- Patna
2. Rajeev Paswan S/o Bhasho Paswan Resident of Bhatwan More Western near more Railway Station, P.S.- Mokama, Distt.- Patna
3. Sunil Paswan S/o Bhasho Paswan Resident of Bhatwan More Western near more Railway Station, P.S.- Mokama, Distt.- Patna
4. Dharmendra Paswan S/o Manoj Paswan Resident of Bhatwan More Western near more Railway Station, P.S.- Mokama, Distt.- Patna
5. Binod Paswan S/o Bhasho Paswan Resident of Bhatwan More Western near more Railway Station, P.S.- Mokama, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Tilak Sao, Advocate
For the State	:	Mr.Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 18-12-2019 Supplementary affidavit has been filed on behalf of the petitioners. Same be kept on the record.

In the light of the statement made in the supplementary affidavit, counsel for the petitioners is permitted to make necessary correction in paragraph 3 of the main application in course of the day.

The petitioner No.1, namely, Manoj Paswan has been taken into judicial custody. Hence, the counsel for the petitioners prays to withdraw the application on behalf of



petitioner No.1.

Permission is accorded.

Application filed on behalf of petitioner No.1 is dismissed as withdrawn.

By order dated 04.09.2019, the application filed on behalf of petitioner No.3, namely, Sunil Paswan has already been dismissed as withdrawn.

Heard learned counsel for the petitioners No.2, 4 and 5, learned APP for the State and learned counsel for the informant.

The petitioners No.2, 4 and 5 are apprehending their arrest in a case registered under Sections 147, 148, 149, 323, 325, 307, 379 of the Indian Penal Code.

Allegation against the petitioner is of committing torture upon the victim due to non-fulfilment of demand of dowry.

It has been submitted on behalf of the petitioners that the petitioners No.2 and 4 have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The nature of injury is said to be simple. Hence, no offence under Section 307 of I.P.C. is made out. Rest of the offences are triable by the Magistrate.



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

Considering the aforesaid facts and circumstances, let the petitioners No.2, 4 and 5, above named, in the event of arrest/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) with two sureties of the like amount each to the satisfaction of Sri Manoj Kumar, J.M. 1st class, Barh in connection with Mokama P.S. case No.280 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The petitioners shall co-operate during the investigation and trial.

(Sudhir Singh, J)

Narendra/-

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