

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30081 of 2020

Arising Out of PS. Case No.-2 Year-2020 Thana- DHANARUA District- Patna

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1. Rajiv Paswan, S/o Suresh Paswan, Resident of Village-Tetari, P.S.-Dhanarua, District-Patna.
 2. Suresh Paswan, S/o Late Ramchandra Paswan, Resident of Village-Tetari, P.S.-Dhanarua, District-Patna.
 3. Rudal Paswan, S/o Rameswar Paswan, Resident of Chakbajeetpur, P.S.-Karaya Parsurai, District-Nalanda (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Navin Kumar, Advocate

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 23-12-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners are apprehending their arrest in connection with Dhanarua P.S. Case No.02 of 2020 registered



for the offence punishable under Sections 323, 324, 307, 504, 506, 341, 342, 379 & 34 of the Indian Penal Code.

The prosecution case is that the petitioners have demanded money from the informant and on being refused the same, they have snatched necklace and some money from the pocket of the informant. There is also allegation of chasing the informant towards his home and beating his nephew Ankit Kumar.

It is submitted by the petitioners' counsel that in fact, the prosecution party were aggressors. The informant is the husband of the present *Mukhiya* of the Gram Panchayat concerned and is a powerful and influential person of the locality. They have, in fact, beaten the petitioners and their family members and while they were undergoing treatment at P.M.C.H., the instant prosecution has been launched on extraneous considerations. Discharge ticket of the petitioners and their family members showing that they were hospitalized from 02.01.2020 to 03.01.2020, i.e., the alleged date of occurrence of the instant case, has been annexed as Annexure 3 series. It is further submitted that the petitioners have no criminal antecedents and it is a case of false implication.

Learned APP has opposed the prayer for bail per-



arrest bail.

Considering the rival submissions, this Court is inclined to allow petitioners' prayer for grant of anticipatory bail.

Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, 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 S.D.J.M., Masaurhi, Patna, in connection with Dhanarua P.S. Case No.02 of 2020, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

This Court would expect that the petitioners' counsel



would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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