

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46476 of 2023

Arising Out of PS. Case No.-17 Year-2023 Thana- TARIYANI CHAPRA PS District-
Sheohar

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1. Shambhu Paswan, Son Of Sakal Paswan Resident Of Village- Bhaudiha, P.S- Tariyani Chapra, District- Sheohar
 2. Mulkumari Devi @ Fulkumari Devi, Wife Of Sakal Paswan Resident Of Village- Bhaudiha, P.S- Tariyani Chapra, District- Sheohar
 3. Sakal Paswan Son Of Chandrik Paswan, Resident Of Village- Bhaudiha, P.S- Tariyani Chapra, District- Sheohar

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Jitendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 06-09-2023 Heard Mr. Amrendra Kumar, learned counsel
appearing on behalf of the petitioners and Mr. Jitendra Kumar
Singh, learned A.P.P. for the State.

Learned counsel appearing on behalf of the
petitioners seeks permission to withdraw the application filed on
behalf of the petitioner No.1 Shambhu Paswan as the same has
become infructuous.

In view of the aforesaid submission, the pre-arrest
bail application filed on behalf of petitioner No.1 **Shambhu**
Paswan is dismissed as withdrawn.

The petitioners no. 2 and 3 apprehends his arrest in
connection with Tariyani Chapra P.S. Case No. 17 of 2023,



registered under Sections 341, 342, 504, 323, 325, 307 and 379/34 of the Indian Penal Code.

The prosecution case, in brief, is that all the accused persons named in the F.I.R., including the petitioners, assaulted the wife of the informant and snatched Rs. 5000/- and Mangal Sutra from her neck. The specific allegation of assault is against co-accused Ramu Paswan and the petitioners are said to be only the associates of co-accused Ramu Paswan.

Learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent and they have falsely been implicated in this case, even from perusal of the F.I.R., it appears that the main allegation is against Ramu Paswan, who has assaulted the wife of informant. The petitioners no. 2 and 3, at best, can be considered as member of the mob and in absence of any specific allegation against them, the petitioners no. 2 and 3 deserve to be released on bail. There is case counter case between the parties. The petitioners no.2 and 3 have clean criminal antecedent.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

Considering the nature of allegation against the petitioners and the fact that there is case and counter case



between the parties, let the above named petitioners No. 2 and 3, namely, Mulkumari Devi @ Fulkumari Devi and Sakal Paswan, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st, Sheohar in connection with Tariyani Chapra P.S. Case No. 17 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Purnendu Singh, J)

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