

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70810 of 2022

Arising Out of PS. Case No.-264 Year-2022 Thana- JAGDISHPUR District- Bhagalpur

1. CHAMPA DEVI @ CHAMELI DEVI Wife of Dhaneshwar Paswan R/v- Badi Hasanpur, P.S.- Jagdishpur, District- Bhagalpur
2. DHANESHWAR PASWAN Son of Late Madhu Paswan R/v- Badi Hasanpur, P.S.- Jagdishpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-02-2023 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 341, 323, 307, 379, 504 and 506/34 of the Indian Penal Code pending in the learned court below.

As per the prosecution case, all the accused persons armed with weapon came at the house of the informant and accused Dhaneshwar Paswan instigated them to kill and Yogendra Paswan caught hold the informant, then accused Mukesh Paswan made an iron rod blow on the head of the informant due to which he fell down.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He further submits that there is general and omnibus



allegation against the petitioners. He submits that there is no specific overt act against the petitioners. He further submits that there is specific overt act against the co-accused Mukesh Paswan to assault the victim by means of iron rod. He further submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application.

Learned APP for the State opposes for prayer for bail.

Considering the aforesaid facts and circumstances and the fact that there is no specific overt act against the petitioners, let the petitioners, named above, in the event of their 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.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Jagdishpur P.S. Case No.264/2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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