

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44926 of 2016

Arising Out of PS.Case No. -457 Year- 2014 Thana -DARBHANGA SADAR District-
DARBHANGA

1. Ashok Paswan @ Dasrath Paswan, Son of Bashant Paswan

2. Sagar Devi, Wife of Ashok Paswan @ Dasrath Paswan

Both are resident of Village- Kabirchak, Police Station- Darbhanga (Sadar),
District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Verma with
Mrs. Madhubala Verma, Advocates

For the Opposite Party/s : Mrs. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 18-10-2016

Heard learned counsel for the parties.

The petitioners seek pre-arrest bail in connection with
Darbhanga Sadar P.S. Case No. 457 of 2014 dated 26.11.2014
instituted under Sections 341/342/323/353/384/504/34 of the Indian
Penal Code.

The allegation against the petitioners is of forcibly
entering the official chamber of the Block Development Officer and

getting into a physical altercation and also of abusing and issuing threats.

Learned counsel for the petitioners submits that the petitioner no. 2, being the ward representative, had gone to meet the informant, who is the Block Development Officer, in connection with the work of the people for issuing card of *Indira Awas Yojana* and due to demand of illegal gratification, which was not met, they have been falsely implicated. It is submitted that the petitioner no. 1 has been implicated just because he is the husband of petitioner no. 2, though he has no connection with the entire episode. It is further submitted that the petitioners have clean antecedent.

Learned A.P.P. opposes the prayer for anticipatory bail. He submits that the conduct of the petitioners, moreso when petitioner no. 2 is a public representative, is clearly unwarranted, as an attempt has been made on an officer of the State to intimidate and hurt him, and that too, in his official chamber which is a challenge to the authority of the State. It is submitted that there is no reason of false implication as the informant was a public servant being posted in the Block and, thus, he did not carry personal grudge so as to falsely implicate the petitioners.

Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is

not inclined to enlarge the petitioners on anticipatory bail.

The application, accordingly, stands dismissed.

However, in the event the petitioners surrender and pray for regular bail before the court below within six weeks from today, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

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