

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6396 of 2018

Arising Out of PS. Case No.-225 Year-2017 Thana- BELDAUR District- Khagaria

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1. Dilip Paswan, Son of Late Mahavir Paswan
 2. Prashant Kumar, S/o- Dilip Paswan
 3. Pramila Devi, W/o- Dilip Paswan All are Resident of Village- Bobil, P.S.- Beldaur, District-Khagaria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Bishweshwar Ram

For the Opposite Party/s : Mr. SRI BISHESHWAR RAM

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-02-2018 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 353 and 427/428 of the IPC and Section 3 of the Prevention of Damage to Public Property Act.

The prosecution case as per the written report submitted by Kamal Kumar Singh being the Assistant Sub-Inspector of Beldaur Police Station, to the Station House Officer, Beldaur Police Station is to the effect that on 10.11.2017, the Station House Officer, Beldaur Police Station informed the informant that accused Vakil Paswan, Dilip Paswan and their family members are pressurizing Pancham Rai @ Hareram Rai, the informant of Beldaur P.S. Case No. 196 of 2017 for



withdrawing the said criminal case. Consequently, the informant along other police personnel raided the place and apprehended Vakil Paswan, but subsequently, the accused persons forcibly tried to get Vakil Paswan released and also abused the police personnel and pelted stones causing damage to government vehicle.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general against 14 FIR named and 20 unknown persons. Though, a statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, but today a supplementary affidavit has been filed stipulating therein that petitioner no.1 is involved in two other cases being Beldaur P.S. Case No. 196 of 2017, registered with accusation under Sections 366A, 363/34 of the IPC and Beldaur P.S. Case no. 226 of 2017, registered with accusation under Sections 147, 148, 149, 323, 379, 435, 436 and 504 of the IPC, and petitioner no.2 is involved one other case being Beldaur P.S. Case No. 226 of 2017, registered under Sections 147, 148, 149, 323, 379, 435, 436 and 504 of the IPC. It is further submitted that in those cases, petitioner nos. 1 and 2 have not yet filed any application for grant of bail.

Considering the incorrect statement made in paragraph



no.3 of the petition and the fact that in other cases, petitioner nos. 1 and 2 are not on bail, this Court is not inclined to grant bail to petitioner nos. 1 and 2.

However, let the learned Court below consider the prayer for bail of petitioner nos. 1 and 2, without being prejudiced by the order of this Court, keeping in view the fact that the accusation is against the mob.

So far as petitioner no.3 is concerned, since she is a lady and not having any criminal antecedent, let the above named petitioner no.3 be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Khagaria in connection with Beldaur P.S. Case No. 225 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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