

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43748 of 2018

Arising Out of PS. Case No.-72 Year-2018 Thana- RAJAPAKAR District- Vaishali

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1. Sukhdeo Paswan Nirala @ Sukhu Paswan, S/o Shiv Prasad Paswan.
 2. Shiv Kumar Paswan, S/o Shiv Prasad Paswan,
Both are R/o Vill.- Rajapakar, Kushwaha Tola, P.S.- Rajapakar in
the District of Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Adv.
For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-07-2018 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, 341, 323, 337, 504, 506, 353, 307 and 427 of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the self written statement dated 06.05.2018 at 2:15 A. M. of Ramdhari Pd. Mehta, S.H.O. Rajapakar Police Station is to the effect that on 05.05.2018 at 10.15 P. M., one Guddu Kumar came at the police station and filed an application for providing security in the marriage of his sister, Munni Kumari, as he has apprehension that the co-villagers might create disturbance in the marriage ceremony of



his sister. Consequently police escort was provided to the marriage party. At 10.40 P. M., when the marriage party was proceeding, then 30 to 40 people attacked the marriage party, and damaged the vehicles and pelted stones, as a result, several people received injury. On chase, one Rohit Kumar was apprehended and the FIR was registered against 17 named persons including the petitioners and 20 to 25 unknown persons.

It is submitted by the learned counsel for the petitioners that the FIR was registered on 06.05.2018 at 08.15 P. M., when information was received in the Police Station on 05.05.2018 at 02.40 A. M., whereas for the same incident, Guddu Kumar, whose sister was getting married, also registered Rajapakar P. S. Case No. 73 of 2018 with accusation for the offences punishable under Sections 147, 148, 149, 341, 323, 379, 427, 337, 504 and 506 of the I.P.C., Section 27 of the Arms Act and Section 3 (1) (r)(s) of the SC/ST Act, which was registered against 12 named and 20 to 25 unnamed persons on 06.05.2018 at 09.30 A.M. In the said case, the petitioners have not been named in the FIR. It is further submitted that the petitioners happen uncles of Munni Kumari, whose marriage was performed and the other co-accused persons, who have been named in FIR, have been granted anticipatory bail by a co-ordinate Bench of this Court



vide Cr. Misc. No. 40822 of 2018. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners are named in the FIR.

Considering the fact that the accusation levelled against the petitioners is omnibus and general in nature and the petitioners are not named in the FIR lodged by Guddu Kumar, though the first FIR was also lodged by the police personnel but at the behest of Guddu Kumar, let the above named petitioners 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) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Rajapakar P. S. Case No. 72 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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