

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39722 of 2019

Arising Out of PS. Case No.-24 Year-2019 Thana- NIMCHAKBATHANI District- Gaya

1. Mahendra Paswan, Son of Basudeo Paswan Resident of Village- Mai, P.S.-
Neemchak Bathani, District- Gaya.
2. Shiv Kumar Paswan Son of Basudeo Paswan Resident of Village- Mai, P.S.-
Neemchak Bathani, District- Gaya.
3. Shekhar Paswan @ Chandra Shekhar Paswan Son of Paras Paswan Resident
of Village- Mai, P.S.- Neemchak Bathani, District- Gaya.
4. Paras Paswan Son of Chandeshwar Paswan Resident of Village- Mai, P.S.-
Neemchak Bathani, District- Gaya.
5. Pawan Paswan Son of Shiv Kumar Paswan Resident of Village- Mai, P.S.-
Neemchak Bathani, District- Gaya.
6. Balmiki Chowdhary @ Raj Kumar Chowdhary Son of Rajendra Chowdhary
Resident of Village- Mai, P.S.- Neemchak Bathani, District- Gaya.
7. Laljit Chowdhary Son of Rajendra Chowdhary Resident of Village- Mai,
P.S.- Neemchak Bathani, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramashish

For the Opposite Party/s : Mr.Nirmala Kumari

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 28-06-2019 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners apprehend their arrest in
connection with Neemchak Bathani P.S. Case no. 24 of 2019,
registered under Sections 147, 307, 332, 333 and 353 of the
Indian Penal Code.

The accusation is that on the eve of Saraswati Puja,



license was issued to Suresh Chaudhary, son of Chando Chaudhary, resident of village Neemchak Bathni, District-Gaya for immersion of idol Saraswati on 11.02.2019 in between 3.00 P.M. to 5.00 P.M. by SDPO, Neemchak Bathani, but the said order was not complied till 14.02.2019 at 9.30 A.M. regarding which Neemchak Bathni P.S. Case No. 20 of 2019 was instituted on 14.02.2019, but, in the evening, 4-5 persons came at the Police Station and started to create nuisance due to non-immersion of idol Saraswati, while Police personnel tried to pacify the matter, but they started creating nuisance and thereafter, they along with others blocked the road and started pelting stones. At that time, 18 persons named in the F.I.R. including the petitioners were identified by the Police.

Learned counsel for the petitioners submits that, although, the petitioners are named in the F.I.R., but no specific overt act has been attributed against the petitioner. Further submission is that it is also not detailed in the F.I.R. regarding the source of identification of the petitioners. The petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, 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) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-X, Gaya in connection with Neemchak Bathani P.S. Case No. 24 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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