

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14705 of 2020

Arising Out of PS. Case No.-842 Year-2019 Thana- FATUA District- Patna

1. CHHOTE PASWAN Son of Late Dwarika Paswan Resident of Village-Prahlad Chak, Police Station-Fatuha, District-Patna.
2. Nanhe Paswan Son of Late Ramashish Paswan Resident of Village-Prahlad Chak, Police Station-Fatuha, District-Patna.
3. Mukesh Paswan Son of Sri Kailu Paswan Resident of Village-Prahlad Chak, Police Station-Fatuha, District-Patna.
4. Mithlesh Kumar @ Mithlesh Paswan Son of Late Rajbali Paswan Resident of Village-Prahlad Chak, Police Station-Fatuha, District-Patna.
5. Laxman Kumar @ Laxman Paswan Son of Arjun Paswan Resident of Village-Prahlad Chak, Police Station-Fatuha, District-Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Ranjan
For the Opposite Party/s : Mr.Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 05-11-2020 The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioners and Sri Yogendra Kumar, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Fatua PS case no. 842 of 2019 registered for the offences punishable under Sections 307, 354 and other allied sections of Indian Penal Code and 27 of Arms Act.



The allegation is regarding the petitioners, variously armed, having arrived at the house of the informant and having assaulted him as well as his father and one other person resulting in them receiving injuries.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are having clean antecedent. It is further submitted that the allegation levelled against the petitioners herein is general and omnibus in nature and moreover, no serious injuries have been sustained by the injured persons.

The learned APP for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties and gone through the materials on record as also the case diary in question. This Court finds that a general and omnibus allegation has been levelled against the petitioners herein and moreover, the injuries sustained by the injured persons are not very serious in nature, hence benefit of doubt can be granted to the petitioners for the purposes of grant of anticipatory bail, more so since the petitioners are having clean antecedent. However, it would be in the interest of justice to impose certain



conditions as against the petitioners herein for the purposes of grant of anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the petitioners and taking into account the fact that the petitioners are having clean antecedent, I deem it fit and appropriate to admit the petitioners to the privilege of anticipatory bail. Accordingly, the abovenamed petitioners, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Patna City, Patna in connection with Fatua PS case no. 842 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

This Court further directs that since the investigation of the present case is going on, the petitioners herein shall appear before the Officer-in-charge of the concerned police station on each and every Monday of the week and co-operate with the Investigating Officer and in case of two consecutive



defaults in appearing before the said Officer-in-charge, the present privilege of bail being granted to the petitioners herein shall stand cancelled automatically and the petitioners would be taken into custody forthwith.

(Mohit Kumar Shah, J)

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