

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7906 of 2020

Arising Out of PS. Case No.-341 Year-2019 Thana- CHANDI District- Nalanda

1. BASUKI PASWAN @ VAISHAKHI NATH PASWAN Son of Shambhu Paswan Resident of Village - Girdhar Chak, P.S.- Wena, District- Nalanda
2. Pankaj Paswan @ Prem Raj Son of Shambhu Paswan Resident of Village - Girdhar Chak, P.S.- Wena, District- Nalanda

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyamal Prakash

For the Opposite Party/s : Mr. Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 17-06-2020 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 the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Chandi (Wena) PS case no. 341 of 2019 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 353, 307, 427, 504, 506 of Indian Penal Code.

The case of the prosecution is that the informant who is the A.S.I. of Wena Police Station, got information on 19.09.2019 at about 18.30 hrs. that some persons were abusing



and assaulting one Niranjana Kumar after climbing the roof of his house, whereafter the informant along with police force reached there and saw that the accused persons including the petitioners were abusing and man-handling the said person and upon the police personnel trying to pacify the matter, the accused persons started raising slogans and had engaged in brick-battling leading to the constable being injured.

The learned counsel for the petitioners has submitted that a general and omnibus allegation has been levelled against the petitioners and there is no allegation of any sort of specific overt act *qua* the petitioners herein. It is further submitted that the petitioners are innocent, have been falsely implicated in the present case and are having clean antecedent. Lastly, it is submitted that admittedly, firing has been made by unknown persons and not the petitioners herein and moreover, the injury sustained by the police constable has been found to be simple in nature.

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

Having regard to the facts and circumstances of the case, considering the submissions as also taking into account the fact that there is no allegation of any sort of overt act *qua* the



petitioners herein as also 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, Nalanda in connection with Chandi (Wena) PS case no. 341 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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