

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14389 of 2020**

Arising Out of PS. Case No.-354 Year-2019 Thana- RAJAON District- Banka

1. TINKU PASWAN @ PREM CHANDRA KUMAR PASWAN S/o Ram Pravesh Paswan R/o village- Tekni, P.S.- Rajoun, District- Banka
2. Sanjeev Kumar Paswan @ Sanjeev Paswan S/o Ram Pravesh Paswan R/o village- Tekni, P.S.- Rajoun, District- Banka
3. Fulson Paswan @ Sumit Kumar S/o Anil Paswan R/o village- Tekni, P.S.- Rajoun, District- Banka
4. Mundo Paswan @ Alok Kumar S/o Nawal Kishore Paswan R/o village- Tekni, P.S.- Rajoun, District- Banka

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Atul Kumar
For the Opposite Party/s : Mr.Nagendra Prasad

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 14-07-2020 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in the present case are seeking anticipatory bail in connection with Rajoun P.S. Case No. 354 of 2019 registered for the offences punishable under Section 147, 148, 149, 341, 323, 353, 332 and 386 of the Indian Penal Code.

Learned counsel for the petitioners submits that as per the First Information Report the allegations against the petitioners are that they had made unlawful assembly and were recovering money from the vehicles which were passing-by. It is alleged that on seeing the police party they fled away. It is



alleged that they are involved in scuffle with the police party as well and are involved in snatching money from vehicle drivers who are passing through that way.

It is submitted that in fact the petitioners have been made accused by police because they were objecting to the police party who were stopping the vehicle and collecting money. Instead of stopping themselves from illegally extracting money from the passer-by drivers police has registered the First Information Report against the petitioners who have otherwise no criminal antecedent.

Learned counsel further submits that although in the First Information Report it is alleged that even the vehicle owners have made videos of the petitioners involving in the alleged occurrence but the present FIR has not been lodged by any of the vehicle owners rather it is SI of Police who himself recorded his statement and lodged the First Information Report.

Learned APP for the State has though opposed the prayer for anticipatory bail of the petitioners, but considering the facts and circumstances of the case wherein it appears that the FIR has been registered by SI of Police on his own statement and not by any vehicle owner and further that there is no specific allegation that they were caught while snatching money



of any particular vehicle driver and further that they have no criminal antecedent, this Court is inclined to grant privilege of anticipatory bail to the petitioners. Let the petitioners above named in the event of their arrest or surrender within a period of four weeks from today in connection with Rajoun P.S. Case No. 354/2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And Further condition that they will report to the investigating officer of this case within three weeks from today



and shall cooperate in course of investigation.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

