

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.30153 of 2020**

Arising Out of PS. Case No.-263 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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1. VIPIN PASWAN S/o Jhani Paswan @ Gyani Paswan R/o Vill.-Amraur (Kiratpur), P.S.-Muffasil (Singhaul O.P.) Distt.-Begusarai.
 2. Ramnath Paswan S/o Lakhn Paswan R/o Vill.-Amraur (Kiratpur), P.S.-Muffasil (Singhaul O.P.) Distt.-Begusarai.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ravi Bhardwaj, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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

2 17-12-2020 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Muffasil P.S. Case No. 263/2020 bearing G.R. No. 1656/2020 registered for the offences punishable under Sections 147, 148, 149, 353, 354, 332, 269, 270, 271, 333 of the Indian Penal Code.

As per the First Information Report lodged by A.S.I. of Police when the police party raided the house of the accused Shravan Paswan in connection with Muffasil (Singhaul) P.S.



Case No. 185/2020 and had arrested him, the local Mukhiya Subodh Paswan came there with his Gotia and family members as also other co-villagers and they attacked on the police party with an intention to snatch the arms and it is alleged that they created hindrance in rendering the official duties by the police personnels. It is alleged that the eight named accused and 15-20 unknown accused persons were involved in the alleged occurrence.

Learned counsel for the petitioners submits that so far as these two petitioners are concerned, save and except that their names appear in the list of the accused persons named in the F.I.R, there is no specific allegation against these petitioners. Learned counsel further submits that these petitioners have been made accused on mere suspicion and under impression that these petitioners are the followers of the Mukhiya however no overt act has been alleged against these petitioners and the petitioners have otherwise no criminal antecedent.

Learned A.P.P. for the State has though opposed the prayer for anticipatory bail of the petitioners, on noticing that in the F.I.R. apart from eight named accused, 15-20 unknown persons were said to have been involved in the alleged occurrence but there is no specific allegation that these



petitioners had either attempted to snatch the arms of the police party or have been anyway indulged in causing assault upon them, the petitioners have otherwise no criminal antecedent and the submission being that of a false and over implication of the accused, let the petitioners above-named in the event of their arrest or surrender within a period of four weeks from today in connection with Muffasil P.S. Case No. 263 of 2020 bearing G.R. No. 1656/2020, be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai, 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 the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

