

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77704 of 2019

Arising Out of PS. Case No.-166 Year-2018 Thana- BAHADURPUR District- Darbhanga

1. Rakesh Paswan S/o Baldhari Paswan @ Laldhari Paswan R/o Village-Asgaon, P.S.- Bahadurpur, District- Darbhanga.
2. Upendra Paswan S/o Late Ram Dev Paswan @ Ramdev Paswas R/o Village-Asgaon, P.S.- Bahadurpur, District- Darbhanga.
3. Rajeev Paswan @ Rajeev Kumar Paswan S/o Late Vinod Paswan @ Binod Paswan R/o Village- Asgaon, P.S.- Bahadurpur, District- Darbhanga.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Aprajita

For the Opposite Party/s : Dr. Mritunjay Kumar Gautam, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 26-06-2020 Heard Ms. Aprajita, learned counsel for the petitioners and Dr. Mritunjay Kumar Gautam, learned counsel for the State via video conferencing.

The petitioners have filed the present application for grant of pre-arrest bail in connection with Bahadurpur P.S. Case No. 166 of 2018 registered for the offence punishable under Sections 147, 447, 323, 504, 354A and 354B of the Indian Penal Code.

Learned counsel for the petitioners submitted that the present FIR has been instituted by the informant in retaliation to Scheduled Castes and Scheduled Tribes P.S. Case No. 80 of 2017 dated 18.12.2017 registered *inter alia* under Section 354 of the Indian Penal Code and Section 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act on the basis of complaint made by Laldhari Paswan, whose wife has also been made accused in the present case along with his other family members. She contended that the other co-accused persons have been granted pre-arrest bail by the court below itself. She further contended that the petitioners having no criminal antecedent are not likely to abscond or tamper with the evidence, if released on bail.

Dr. Mritunjay Kumar Gautam, learned counsel for the State opposed the application for grant of bail to the petitioners.

Considering the facts and circumstances of the case, the submissions advanced at the bar as also the fact that having got roots in the society, the petitioners are not likely to abscond or tamper with the evidence, they are directed to be released on bail in the event of their arrest or surrender before the court below, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Darbhanga in connection with Bahadurpur P.S. Case No. 166 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Ashwani Kumar Singh, J)

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