

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36160 of 2021**

Arising Out of PS. Case No.-178 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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1. SANJEET PASWAN @ SANJEET KUMAR S/o Maulu Paswan Resident of Village- Lakho, Ward No.08, P.S.- Muffasil (Lakho), District- Begusarai.
 2. MANTUN PASWAN @MANTUN KUMAR S/o Rajkumar Paswan Resident of Village- Lakho, Ward No.08, P.S.- Muffasil (Lakho), District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-07-2021 Heard learned counsel for the petitioners and the

State through virtual mode.

Learned counsel for the petitioners is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks after restoration of normalcy.

Learned counsel for the petitioner submits that in
paragraph-1 of the application, Section-353 of the Indian Penal
Code has wrongly been typed in place of Section-354 of the
Indian Penal Code.

Accordingly, Section-353 of the Indian Penal Code
mentioned in the first paragraph be read as Section-354 of the
Indian Penal Code.



At the outset, learned counsel for the petitioners seeks permission to withdraw this application with regard to petitioner No. 1 namely Sanjeet Paswan @ Sanjeet Kumar as during pendency of this application, he has been taken into judicial custody.

Permission is granted.

Accordingly, this application with regard to petitioner No. 1 is dismissed as withdrawn.

The petitioner No. 2 is apprehending his arrest in a case registered under Sections 341, 323, 324, 307, 504, 448, 506, 354/34 of the Indian Penal Code.

Allegedly, all the accused persons started abusing the informant's niece in filthy languages and in consequence thereof, the informant was assaulted.

It has been submitted on behalf of the petitioner No. 2 that he has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against him. The petitioner has been falsely implicated in the present case. General and omnibus allegation has been made against the petitioner No. 2. No specific overt act is alleged against the petitioner No. 2. The alleged occurrence has taken place on 30-03-2020 and the case was instituted on 10-04-2020. The delay in instituting the FIR



has not been explained by the prosecution. The specific allegation of overt act is alleged against co-accused namely Bhushan Paswan and Banti Paswan.

On behalf of the State, it is submitted that the petitioner No. 2 is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case and also the lockdown, the petitioner No. 2, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Muffasil (Lakhi O.P.) P.S. Case No. 178 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner No. 2 shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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