

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38142 of 2021

Arising Out of PS. Case No.-47 Year-2020 Thana- RAHUI District- Nalanda

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1. BHOSHU PASWAN Son of Gaya Paswan Resident of Village- Mandilpur, P.S.- Rahui, District- Nalanda.
 2. Musa Paswan @ Manish Paswan Son of Ramashray Paswan Resident of Village- Mandilpur, P.S.- Rahui, District- Nalanda.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners : Mr. Sudish Kumar, Advocate.

For the State : Mr. Rajendra Prasad Nat, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 31-08-2021 As prayed for, through Video Conferencing, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 05.07.2021, within four weeks of starting of the Court proceeding in physical mode in normal course.

At the very outset, learned counsel for the petitioners, through Video Conferencing, submits that the petitioner no.2, namely, Musa Paswan alias Manish Paswan, has already been arrested by the police in this case and, as such, this application, in respect of the petitioner no.2, namely, Musa Paswan alias Manish Paswan, for granting him the privilege of pre-arrest bail has become infructuous and seeks permission to withdraw this



application in respect of the petitioner no.2, namely, Musa Paswan alias Manish Paswan.

Permission is accorded.

This application in respect of the petitioner no.2, namely, Musa Paswan alias Manish Paswan, is dismissed as withdrawn.

Now, only the prayer of the petitioner no.1, namely, Bhoshu Paswan, for granting him the privilege of pre-arrest bail is being considered, through Video Conferencing.

Heard learned counsel for the petitioner no.1, namely, Bhoshu Paswan, and the learned A.P.P. for the State, through Video Conferencing.

The petitioner no.1, namely, Bhoshu Paswan, apprehends his arrest in connection with Rahui P.S. Case No.47 of 2020 registered under Sections 147, 149, 341, 323, 307, 504, 506, 509, 426, 427, 435, 186, 290, 332, 333 and 353 of the Indian Penal Code besides Sections 3/4 of the Damage Property Act.

The accusation is that in course of patrolling duty, the informant along with other police personnel received information that in village-Mandilpur at Four Lane Road, one motorcycle rider has met with an accident with Government



City Ride Bus. Thereafter, the informant along with other police personnel reached there and saw the Police City Ride Bus bearing Registration No.BR-21B-9331 and the injured person Dayanand Kumar was immediately sent for treatment at Primary Health Centre, Rahui, by some police personnel of that bus. In the meantime, Kamlesh Paswan alias Genda Paswan, Sangeeta Devi, Vikram Paswan, Gehun Paswan, Chootey Paswan, Vipat Paswan, Vidya Paswan, Bhoshu Paswan (petitioner no.1) and Tinku Pandey surrounded the aforesaid Police City Ride Bus raising rumour about the death of one person and sustaining injury by two persons by the Government Police Bus. They also started to misbehave with the ladies police personnel of the bus and cause assault in which one constable, namely, Surendra Kumar, became injured. Anyhow, the ladies police personnel were removed safely. The mob present there also damaged the bus and blockade the road.

Learned counsel for the petitioner no.1, namely, Bhoshu Paswan, submits that while the petitioner no.1, namely, Bhoshu Paswan, is named in the F.I.R. but no specific overt act is attributed to him. The petitioner no.1, namely, Bhoshu Paswan, can only be said to be the member of an unlawful assembly. The petitioner no.1, namely, Bhoshu Paswan, has no



criminal antecedents.

Having considered the facts and the circumstances of the case, let the petitioner no.1, namely, Bhoshu Paswan, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Nalanda at Biharsharif, in connection with Rahui P.S. Case No.47 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C.

Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

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