

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33094 of 2020

Arising Out of PS. Case No.-107 Year-2020 Thana- VAISHALI District- Vaishali

TULSI PASWAN, aged about 46 years, Male, Son of Late Shiv Paswan @ Shivprasad, Resident of Village - Subhai, P.S.- and Distt.- Vaishali.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mrs. Bela Singh, Advocate.
For the Opposite Party : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-02-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 147, 148, 149, 341, 342, 323, 353, 324, 307, 332, 333, 364, 386, 387, 504, 506, 120(B) of the I.P.C., 25(1-b)a, 26, 35 of the Arms Act and 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that on 14.03.2020 after receiving confidential information, the informant and others went at the door of wanted co-accused Guddu Paswan and apprehended Guddu Paswan and Vikash Kumar who tried to



run away from the Motorcycle. It is alleged that total 16.02 liters wine is recovered from the Motorcycle of co-accused Guddu Paswan and one loaded country made pistol alongwith two live cartridges was recovered from the waist of Guddu Paswan. The accused persons including the petitioner and 80-90 unknown persons made assault upon the police party with the objective of securing release of apprehended persons.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. Altogether 27 persons are named in the F.I.R. alongwith 80-90 unknown persons. It is alleged that total 16.02 liters wine is recovered from the motorcycle of co-accused Guddu Paswan and from his possession, one loaded country made pistol alongwith two live cartridges has also been recovered. Thereafter, accused persons including the petitioner and 80-90 unknown persons made assault upon the police party with the objective of securing release of apprehended persons. No arms and liquor has been recovered from possession of the petitioner. General and omnibus allegation has been made against the petitioner. Other co-accused has been granted bail by



another Co-ordinate Bench of this Court vide Cr. Misc. No. 24628 of 2020 under order dated 07.10.2020.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Excise Court, Vaishali, in connection with Vaishali P.S. Case No. 107/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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