

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 39506 of 2020

**Arising out of P.S. Case No. 100, year- 2018, Thana- Bhagwanpur
District Vaishali at Hajipur**

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1. Dharmendra Paswan, Male, aged about 30 years, S/O Parohan Paswan,
2. Avinash Kumar (male) aged about 28 years son of Nageshwar Paswan, both
residents of village- Bakhra Bujurg @ Bakhara Buzurg, P.S. Bhawanpur,
District Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opp. Party/s

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Adv.

For the Opp. Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 02-06-2021

The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the parties.

The petitioners apprehend their arrest in connection with Bhagwanpur P.S. Case No. 100 of 2018 for the offence punishable under sections 308, 504 and other allied sections of the Indian Penal Code.

The allegation is regarding the accused persons including the 1 having assaulted the grandson of



the informant by means of *lathi* (sticks) and *danda*. The co-accused person namely Nageshwar Paswan is stated to have inflicted sharp edged sickle blow on the head of the grandson of the informant, resulting in him sustaining injuries. It has been further alleged that later on in the evening when the informant was returning back from the market, the accused persons had again assaulted the informant.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are having a clean antecedent. The learned counsel for the petitioners has further submitted that a general and omnibus allegation has been levelled as far as the petitioners are concerned and there is no allegation of them having engaged in any sort of specific overt act, hence the privilege of anticipatory bail be granted to them. It is also submitted that similarly situated co-accused persons have already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 04.03.2020 passed in Cr. Misc. No. 65887 of 2019.

Per contra, the learned APP for the State, Shri Nand Kumar has vehemently opposed the prayer of the petitioner for grant of anticipatory bail.



to the facts and circumstances of

the case, considering the submissions made by the Ld. Counsel for the parties and taking into account the materials available on record as also considering the fact that a general and omnibus allegation has been levelled against the petitioners herein and moreover, similarly situated co-accused persons have already been granted the privilege of anticipatory bail, I deem it fit and proper to admit the petitioners herein to the privilege of anticipatory bail

Accordingly, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, the petitioners, above-named, shall be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-16, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No. 100 of 2018, subject to the conditions as laid down under section 438(2) of the Cr. P.C.

(Mohit Kumar Shah, J)

Tiwary/-

