

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7314 of 2021

Arising Out of PS. Case No.-177 Year-2020 Thana- SHAHKUND District- Bhagalpur

1. SURESH PASWAN Son of Late Ganga Paswan Resident of Village- Tahbal Nagar, P.S.- Shahkund, District- Bhagalpur.
2. Shyam Paswan Son of Late Ganga Paswan Resident of Village- Tahbal Nagar, P.S.- Shahkund, District- Bhagalpur.
3. Sanjiv Kumar @ Tuntun Paswan Son of Baldev Paswan Resident of Village- Tahbal Nagar, P.S.- Shahkund, District- Bhagalpur.
4. Gulshan Kumar Son of Sanjeev Paswan @ Tuntun Paswan Resident of Village- Tahbal Nagar, P.S.- Shahkund, District- Bhagalpur.
5. Sunil Kumar @ Chunna Kumar @ Sunil Thakur Son of Suresh Paswan Resident of Village- Tahbal Nagar, P.S.- Shahkund, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-02-2021 Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

Heard the parties through virtual mode.

At the outset, it is submitted that during pendency of this application, the petitioner No. 3 has already been arrested. Now the present application with regard to petitioner No. 3 has become infructuous.

Accordingly, the present application in respect of



petitioner No. 3 is dismissed as withdrawn.

Now this application is confined to petitioner Nos. 1, 2, 4 & 5 only.

The petitioner Nos. 1, 2, 4 & 5 apprehend their arrest in connection with Shahkund P.S. Case No. 177 of 2020 registered for the offence under Sections 341, 504, 323, 188, 353 of the Indian Penal Code.

Prosecution case in short is that on the information of breaking of barriers of containment zone, the informant along with other police personnel reached at the place of occurrence and finding the barrier broken, ordered the C.O. to re-barricade the same. In the meanwhile, the FIR named villagers along with 10-15 unknown persons came and became agitated and stopped the said police personnel from barricading the said place. When the police party tried to stop them, the accused persons started to abuse and assault them.

It has been submitted the petitioner Nos. 1, 2, 4 & 5 have got no criminal antecedent. There is no allegation of tampering of witnesses is alleged against the petitioner Nos. 1, 2, 4 & 5. General and omnibus allegation has been made against the petitioner Nos. 1, 2, 4 & 5. No specific overt act is alleged against petitioner Nos. 1, 2, 4 & 5. None is said to have been



injured in course of the occurrence.

On behalf of the state, it is submitted that the petitioner Nos. 1, 2, 4 & 5 are named in the FIR.

Considering the aforesaid facts and circumstances of the case, the petitioner Nos. 1, 2, 4 & 5, above named, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Bhagalpur, in connection with Shahkund P.S. Case No. 177 of 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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