

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5569 of 2021

Arising Out of PS. Case No.-303 Year-2020 Thana- SHERGHATI District- Gaya

1. Upendra Paswan S/O Jagdish Paswan Resident Of Village-Jamuniya, P.S-Dobhi, District-Gaya.
2. **JAGDISH PASWAN S/O LATE MAHADEO PASWAN RESIDENT OF VILLAGE-JAMUNIYA, P.S-DOBHI, DISTRICT-GAYA.**
3. **ASAM PASWAN S/O JAGDISH PASWAN RESIDENT OF VILLAGE-JAMUNIYA, P.S-DOBHI, DISTRICT-GAYA.**
4. Rajesh Paswan S/O Late Mahadeo Paswan Resident Of Village-Jamuniya, P.S-Dobhi, District-Gaya.
5. **DHARMENDRA PASWAN S/O RAJESH PASWAN RESIDENT OF VILLAGE-JAMUNIYA, P.S-DOBHI, DISTRICT-GAYA.**
6. Jitendra Kumar Paswan S/O Rajesh Paswan Resident Of Village-Jamuniya, P.S-Dobhi, District-Gaya.
7. Mahendra Paswan S/O Jaglal Paswan Resident Of Village-Jamuniya, P.S-Dobhi, District-Gaya.
8. Mahendra Mandal S/O Bisheshwar Mandal Resident Of Village-Jamuniya, P.S-Dobhi, District-Gaya.
9. Manoj Manjhi @ Manoj Mandal S/O Arjun Mandal Resident Of Village-Jamuniya, P.S-Dobhi, District-Gaya.
10. Prakash Kumar S/O Manoj Manjhi @ Manoj Mandal Resident Of Village-Jamuniya, P.S-Dobhi, District-Gaya.
11. **HARENDRA KUMAR S/O MANOJ MANJHI @ MANOJ MANDAL RESIDENT OF VILLAGE-JAMUNIYA, P.S-DOBHI, DISTRICT-GAYA.**
12. **SHIVPATI MANJHI @ SHIVPATI MANDAL S/O LATE DAYAL MANJHI @ DAYAL MANDAL RESIDENT OF VILLAGE-JAMUNIYA, P.S-DOBHI, DISTRICT-GAYA.**
13. Chandeshwar Mandal @ Chandeshwar Manjhi S/O Late Dayal Manjhi @ Dayal Mandal Resident Of Village-Jamuniya, P.S-Dobhi, District-Gaya.
14. Ajay Kumar S/O Shivpati Mandal Resident Of Village-Jamuniya, P.S-Dobhi, District-Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nand Kishore Prasad Sinha
For the Opposite Party/s : Mr. Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR



ORAL ORDER

2 26-11-2021 At the outset, it is submitted by learned counsel for the petitioner that during pendency of this application, petitioner nos. 1, 4, 6, 7, 8, 9, 10, 13 and 14 have been arrested and, as such, he seeks permission to withdraw this application against them.

In view of the aforesaid submission, this application is dismissed as withdrawn against petitioner nos. 1, 4, 6, 7, 8, 9, 10, 13 and 14 .

For rest of the petitioners, this matter has been taken up for hearing online because of COVID-19 pandemic restrictions.

Heard learned counsel for the petitioners and learned APP for the State.

Learned counsel for the petitioners is expected to honour his undertaking to remove the defects as pointed out by the office when called upon to do so by the office.

The instant application for anticipatory bail has been filed by the petitioners apprehending the arrest of petitioner nos. 2, 3, 5, 11 and 12 in connection with Sherghaty (Dobhi) P.S. Case no. 303 of 2020 instituted for the offence under Sections 147, 149, 341, 323, 504, 506, 224, 225, 332, 333, 307, 379 and 352 of the Indian Penal Code.



As per allegation in the FIR, during patrolling duty, police officials have received a secret information about a dreaded criminal Munna Paswan that he is at home. Police after getting the said news, proceeded towards his home and raided and found him present there. After seeing the police party, the said notorious accused began to raise alarm and abuse the police. In the mean time, his family members and co-villagers assembled there and started brick batting upon the police officials and got him freed. Police party sustained injury and accused persons also snatched their mobile phones.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have got no criminal antecedent. General and omnibus allegations have been levelled against the petitioners by the informant, who is himself a police official.

Learned APP appearing for the State has opposed the prayer of bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the five petitioners on bail. The petitioner nos. 2, 3, 5, 11 and 12 are directed to surrender in the Court below within a period of four weeks from today and in the



event of their arrest or surrender in connection with Sherghati (Dobhi) P.S. Case no. 303 of 2020, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial magistrate, Sherghaty subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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