

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41263 of 2021

Arising Out of PS. Case No.-373 Year-2020 Thana- JAKKANPUR District- Patna

Ravi Paswan @ Ravidhan Paswan, S/O Late Anchaldhan Paswan, R/O-
Village- Purandarpur, Trivenipath Near Labour Court, Plot No. 26, P.S-
Jakkanpur, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-06-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Vijay Kumar Sinha, learned counsel
appearing on behalf of the petitioner and the learned APP for the
State.

The petitioner is apprehending his arrest in connection
with Jakkanpur P.S. Case No. 373 of 2020 for the offences
punishable under Sections 341, 342, 323, 504, 506, 307/34 of
the Indian Penal Code and Sections 25 (1-b) a, 27 of the Arms
Act.

As per prosecution case, it is alleged that on
12/13.08.2020, 2-3 persons entered into the house of the



informant and when she shouted they fled away. On 13.08.2020, in the morning, co-accused Mithu Thathera and Prakash Kumar threatened to kill her after calling her caste name. In this respect, the informant gave a written complaint to SHO, Jakkanpur police station. It is further alleged that on 14.08.2020, the petitioner along with 2-3 persons came to her house and started abusing and asked to withdraw the complaint. On the same day, in the evening, this petitioner along with other co-accused persons came to the house of the informant and threatened her by showing pistol. It is further alleged that this petitioner had dragged her near Tempo stand. However, on hulla, nearby people came there, thereupon the accused persons including this petitioner opened fire and fled away.

At the outset, learned counsel for the petitioner submits at the bar, on instruction of his client, that as per his information till date the process under Sections 82/83 of the Cr.P.C. have not been issued.

It is submitted by the learned counsel appearing for the petitioner that the present case has been instituted on the instigation of one Suryabanshi Prasad, who happens to be the Gotia of this petitioner and wanted to grab the land of this petitioner, for which the dispute is pending since long and all the



cases, which have been mentioned in para.3 of this application, have been instituted at his instance and the petitioner has already been granted bail in all the cases by the court below itself, except in Jakkanpur P.S. Case No. 372 of 2020 wherein the petitioner is not named. It is further submitted that there is general and omnibus allegation against all the accused persons and no specific allegation has been levelled against this petitioner and except the threatening and abusing no overt act has been alleged. It is next submitted that no injury has been caused to the informant or any person. It is also submitted that since the petitioner has instituted case against the police personnel of Jakkanpur police station, therefore, his name has been implicated in various cases at the instance of the police officials in collusion with Suryabanshi Prasad. It is also submitted that on the intervention of the well wishers and after understanding the true picture of the case, the parties have entered into a settlement and a compromise petition has been filed in the court below and the copy of which has been brought on record by way of Annexure-6 to the bail application. It is next submitted by the learned counsel for the petitioner that he is ready to give undertaking that the petitioner will not indulged in tampering with the evidence or threatening of the informant



and other witnesses of this case.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner is carrying criminal antecedents and further there is allegation levelled by the informant that this petitioner was giving threatening to compromise the matter and, therefore, he does not deserve the privilege of anticipatory bail.

Having considered the submissions made on behalf of the parties and taking into consideration the nature of allegations levelled against this petitioner, apart from the fact that all the cases, which have been mentioned in para.3 of the bail application, have been instituted at the instance of one Suryabanshi Prasad, who has inimical term with the petitioner and in all the cases the petitioner has been granted bail by the court below itself, except Jakkanpur P.S. Case No. 372 of 2020, in which the petitioner is not named as an accused and moreover the parties have cordially settled the dispute, let the petitioner named above, be released on bail, in the event of his arrest or surrender before the court below within eight weeks from today, on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-I, Patna in



connection with Jakkanpur P.S. Case No. 373 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with the following conditions:

(i) The learned court below will call upon the informant of the present case at the time of furnishing bail bonds and after verification of genuineness of the settlement order, the release order will be passed.

(ii) One of the bailors shall be the close relatives of the petitioner.

(iii) The petitioner will cooperate in the investigation as well as in conclusion of the trial.

(iv) He will not try to tamper with the evidence or intimidate the witnesses in course of investigation or during the course of trial.

(Harish Kumar, J)

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