

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44969 of 2021

Arising Out of PS. Case No.-31 Year-2021 Thana- BAHADURPUR District- Darbhanga

1. Mantosh Paswan @ Mantosh Kumar Paswan Son of Songrath Paswan @ Ramsugarath Paswan Resident of Village - Ajhoul, P.S.- Bahadurpur, Distt.- Darbhanga.
2. Lal Babu Paswan Son of Halkhori Paswan Resident of Village - Ajhoul, P.S.- Bahadurpur, Distt.- Darbhanga.
3. Sanjay Paswan @ Sanjay Pa Son of Devilal Paswan Resident of Village - Ajhoul, P.S.- Bahadurpur, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra
For the Opposite Party/s : Mr. H.A. Khan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 15-04-2022 At the outset, learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application in respect of petitioner no.2, namely, Lal Babu Paswan as he has already been arrested by the police.

Permission is granted.

Accordingly, this anticipatory bail application is dismissed as withdrawn so far as petitioner no.2 is concerned.

Now, this anticipatory bail application survives only against petitioners no.1 and 3.

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



Petitioners No.1 and 3 apprehend their arrest in Bahadurpur P.S. Case No.31 of 2021, registered for the offences punishable under Sections 436, 307, 148, 149, 452, 323 and 341 of the Indian Penal Code as well as under Section 27 of the Arms Act.

Petitioner No.1 is said to have fired towards the house of the informant. Other accused persons started brick batting towards the house of the informant due to which the informant and her daughter-in-law sustained injuries. In the morning of 13.01.2021, the accused persons entered into the house of the informant after breaking the door and set fire in the house of the informant. The accused persons tried to kill the family members of the informant by setting her house on fire.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that there is case and counter case between the parties. It is further submitted that there is general and omnibus allegation against the petitioners. It is further submitted that similarly situated co-accused, Kanhai Paswan @ Kanhaiya Paswan has already been enlarged on anticipatory bail vide order dated 22.10.2021, passed in Cr. Misc. No.40383 of 2021. The petitioners have got no criminal antecedent as stated in paragraph 3 of the bail application.



Learned APP for the State opposed the prayer for anticipatory bail of the petitioners and submitted that the petitioner no.1 has set the house of the informant on fire. The injuries reports show that the injuries are grievous in nature.

Taking into consideration the allegations against petitioner no.1, I am not inclined to enlarge the petitioner no.1, namely, Mantosh Paswan @ Mantosh Kumar Paswan on anticipatory bail. Accordingly, the prayer for anticipatory bail of petitioner no.1 is rejected.

Taking into consideration the fact that there is general and omnibus allegation against petitioner no.3, namely, Sanjay Paswan @ Sanjay Pa, let petitioner no.3, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st, Darbhanga in connection with Bahadurpur P.S. Case No.31 of 2021, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J.)

Sanjay/-

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