

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49622 of 2022

Arising Out of PS. Case No.-159 Year-2022 Thana- ASHTHAWAN District- Nalanda

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1. BALRAM PASWAN S/o Late Ramdas Paswan Resident of Village- Mohani, P.S.- Asthawan, District- Nalanda.
 2. Ranjeet Paswan S/o Gore Paswan Resident of Village- Mohani, P.S.- Asthawan, District- Nalanda.
 3. Surendra Paswan S/o Kedar Paswan Resident of Village- Mohani, P.S.- Asthawan, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Rajeev Ranjan Pathak, the C. O. Bind in Extra duty posted permanently at Ashtawan, Circle Office Asthawan, District- Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shambhu Sharan Singh

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-12-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek bail in connection with Asthawan P.S. Case No. 159 of 2022 registered for the offences punishable under Sections 147, 148, 149, 153, 153(A), 109, 195, 198, 245(A), 353, 341, 342, 323, 325, 307, 337, 504, 506, 120(B) of Indian Penal Code.

As per prosecution case, informant alleged that 1



Acre 15 decimal Gairmajarua Malik land in Khata No. 1154, Khesra No. 1200 was bone of contention between both sides. It is alleged that anti social elements in number of hundreds were doing construction work in the light of generator at that place to disturb the law and order situation. It is further stated that informant alongwith armed forces reached at the place of occurrence and saw hundred persons were assembled there for constructing brick work and it is further alleged that mob became aggressive and started pelting brick and stone on police party. In that course three petitioners namely petitioner no. 1 Balram Paswan, petitioner no. 2 Ranjeet Paswan and petitioner no. 3 Surendra Paswan were apprehended. One chaukidar sustained injury inflicted by brick throwing. It is alleged that 31 FIR named accused persons alongwith 100 unknown were involved alongwith outsiders and some villagers conspired and instigated the villagers to hurl Mahabiri flag on the land in question and they disobeyed the order under Section 144 of Cr.P.C.

Learned counsel for the petitioners submit that petitioners are in custody since 31.05.2022 and bear no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution



evidence. He further submits that petitioners were mere spectators at the place of occurrence. They have nothing to do with the alleged occurrence. He further submits that there is no specific overt-act attributed against the petitioners. The allegation against the petitioners are general and omnibus in nature.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, no specific overt-act attributed against the petitioners, keeping in view clean antecedent of petitioners, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Bihar Sharif, Nalanda in connection with Asthawan P.S. Case No. 159 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or



mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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