

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17280 of 2023

Arising Out of PS. Case No.-641 Year-2022 Thana- BIHAR District- Nalanda

1. NITISH PASWAN S/O Shalendar Paswan R/O Village- Ramjichak, P.S- Biharsharif, District- Nalanda
2. Jahar Paswan S/O Mathur Paswan R/O Village- Ramjichak, P.S- Biharsharif, District- Nalanda
3. Palhi Kumar S/O Lakhan Paswan R/O Village- Ramjichak, P.S- Biharsharif, District- Nalanda
4. Sikandar Paswan S/O Mdhab Paswan R/O Village- Ramjichak, P.S- Biharsharif, District- Nalanda

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-05-2023

Heard the parties.

The petitioners are apprehending his arrest in connection with Bihar P.S. Case No 641 of 2022 for the offence under Sections 341, 323, 307 and 504 of the I.P.C. lodged on 03.09.2022 by the informant Rahul Kumar @ Mantosh.

The prosecution story, in brief, is that the informant was going to his home from Khandakpar and reached near Temple at Ramji Chak, where some villagers were immersing the idol of God Ganesha Ji, and in that course, all the accused persons including the petitioners along with 10-15 unknown persons stopped the informant and started abusing him and they all were in drunken condition. On protest, accused Teni Paswan assaulted by lathi on informant's shoulder due to which the



informant became unconscious. Then, he called his villagers on phone and when informant's villagers came there, the accused persons assaulted them by 'lathi-danda' and iron-rod due to which Gautam Kumar and Ganauri Kumar sustained serious injuries. Thereafter, they were brought to Sadar Hospital Biharsharif, Nalanda for treatment. Accordingly, the F.I.R.

Taking into account that the omnibus allegation is there, petitioners do not have criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail with conditions. If, however, it is found that any of the petitioners are having have criminal antecedent, the bail order regarding said petitioner shall become infructuous.

Let the petitioners be released on bail in the event of anticipatory arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned C.J.M, Nalanda at Biharsharif, in connection with Bihar P.S. Case No 641 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show



his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any anticipatory anticipatory anticipatory criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Ravi/kiran/-

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