

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16938 of 2023

Arising Out of PS. Case No.-226 Year-2022 Thana- BHAGWANPUR District- Begusarai

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1. Rahul Kumar Son of Late Bharosi Paswan @ late Ram Bharosi Paswan R/V- Chakkapar Ward no. 1, P.S- Bhagwanpur (Tiyay O.P) Distt- Begusarai
 2. Shani Dev Paswan Son of late Bharosi Paswan @ Late Ram Bharosi Paswan R/V- Chakkapar Ward no. 1, P.S- Bhagwanpur (Tiyay O.P) Distt- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Randhir Kumar No.1, Advocate
For the Opposite Party/s : Ms. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-05-2023 Heard the learned counsel for the
petitioners and learned APP for the State.

This is an application for grant of anticipatory bail in connection with Bhagwanpur P.S. Case No.226 of 2022, registered for offences under Sections 341, 143, 323, 307, 353, 504 of the IPC.

The case of the prosecution, in brief, according to the informant is that he along with police force had arrived at the house of one Tribhuwan Yadav, after he had received secret



information that country made liquor has been stocked in the house, however, upon search, no illicit liquor was recovered, whereafter they had reprimanded the accused persons resulting in the accused persons having created a ruckus. It is also alleged that the accused persons had tried to assault the informant and others.

The learned counsel for the petitioners has submitted that the petitioners are innocent and they have been falsely implicated in the present case. The learned counsel for the petitioners has further submitted that as far as petitioner no.2 is concerned, he is having a clean antecedent while the petitioner no.1 is an accused in one another case, but he is on bail in the said case. The learned counsel for the petitioners has also submitted that a general and omnibus allegation has been levelled against the petitioners and specific allegation of having tried to strangle the neck of one Ramadhar Singh has been levelled against the co-accused person, namely, Prashant Kumar. Lastly, It is submitted



that the injury sustained by the police constable has been found to be simple in nature.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that a general and omnibus allegation has been levelled qua the petitioners herein, apart from the fact that the injury found upon the person of the injured constable is simple in nature, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the above named petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, 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 J.M 1st Class, Begusarai in connection with Bhagwanpur P.S Case No. 226 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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