

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16926 of 2023

Arising Out of PS. Case No.-420 Year-2022 Thana- WARISNAGAR District- Samastipur

1. Pankaj Kumar @ Pankaj Paswan S/O- Laxman Paswan @ Laksho Paswan Village- Kolhuara Ps- Kalyanpur Dist- Samastipur
2. Vijay Paswan S/O- Mahesh Paswan Village- Kolhuara Ps- Kalyanpur Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, 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 Warisnagar P.S. Case No. 420 of 2022, registered for offences under Sections 147, 148, 149, 353, 332, 333, 504, 506, 427 of the IPC.

The allegation is that while the informant was on patrolling duty, he saw the petitioners and one another person travelling on a motorcycle whereupon he had signalled them to stop, however, the petitioners and others started assaulting the informant, causing injury upon his person.

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 the petitioner no.1 is having a clean antecedent, while the petitioner no.2 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 bare perusal of the FIR would show that three named and 25-30 unknown persons have been made accused in the present case and a general and omnibus allegation has been levelled qua all the accused persons, hence the petitioners cannot be singled out and punished for the offence which they have not committed.

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 against the accused persons and moreover, the injuries sustained by the informant has been found to be 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 concerned Judicial Magistrate, 1st Class, Samastipur in connection with Warisnagar P.S. Case No. 420 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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