

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21494 of 2023

Arising Out of PS. Case No.-12 Year-2020 Thana- ATHMALGOLA District- Patna

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Chunnu Paswan @ Chunnu Kumar Son Of Nagina Paswan Resident Of
Village - Chaksarbar, P.S. - Athmalgola, Distt. - Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binay Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Athmalgola P.S. Case No. 12 of 2020 registered on 14.01.2020 for the alleged offences under Sections 147, 149, 323, 325, 307, 333, 353, 385, 342, 504, 506 of the Indian Penal Code.

3. As per prosecution case, police conducted a raid for arresting some accused persons against whom warrants were issued. When the police reached the spot, the petitioner and other co-accused persons after forming an unlawful assembly



instigated the local people and attacked the police party with lathi, danda, brick etc. In their assault the Chaukidar became injured. The assailants tore the warrants issued by the court and all the persons, in whose name warrants were issued, fled away from the spot.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. There is general and omnibus allegation against all the accused persons including the petitioner and no specific overt act has been attributed against the petitioner. The petitioner was not present at the spot at the time and date of occurrence and he is a service man. Other similarly situated co-accused persons have been granted bail vide order dated 12.01.2023 passed in Cr. Misc. Nos. 24705 of 2022 and 38921 of 2022 and order dated 28.09.2022 passed in Cr. Misc. Nos. 70514 of 2021 and 40776 of 2022 by different Co-ordinate Benches. The petitioner is in custody since 02.12.2022 and charge sheet has been submitted. The petitioner is having no criminal antecedent.

5. Learned APP opposes the prayer for bail submitting that the petitioner and other co-accused persons after forming unlawful assembly attacked the police and caused injury to one of the police personnel.



6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no specific overt act has been attributed against the petitioner and grant of bail to similarly situated co-accused persons by different Co-ordinate Benches and further considering the period of custody of the petitioner and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Barh (Patna) /concerned court in connection with Athmalgola P.S. Case No. 12 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(iv) The bail bond of the petitioner will be



accepted by the learned court below after
verifying the criminal antecedent of the petitioner.

(Arun Kumar Jha, J)

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