

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28673 of 2023

Arising Out of PS. Case No.-1 Year-2023 Thana- ASHTHAWAN District- Nalanda

1. Mukesh Paswan Son Of Arun Paswan Resident Of Village - Gobarbigaha, P.S. - Ashthawan, Distt. - Nalanda
2. Arun Paswan Son Of Late Baleshwar Paswan Resident Of Village - Gobarbigaha, P.S. - Ashthawan, Distt. - Nalanda
3. Sonu Paswan @ Sonu Kumar Son Of Arun Paswan Resident Of Village - Gobarbigaha, P.S. - Ashthawan, Distt. - Nalanda
4. Saniya Paswan @ Saina Paswan @ Saunaya Paswan Son Of Late Shiya Paswan Resident Of Village - Gobarbigaha, P.S. - Ashthawan, Distt. - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binit Kumar, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners, in the present case, are seeking pre-arrest bail in connection with Ashthawan P.S. Case No.01 of 2023 registered for the offences punishable under Sections 341, 323, 307, 504 and 506/34 of the Indian Penal Code and Section 27 of the Arms Act. The petitioner nos. 1 to 3 have got criminal antecedents whereas petitioner no.4 has got no criminal antecedents.

3. As per the prosecution story, the allegation against



the petitioners is that they had indulged in firing upon the informant and his wife.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in this case alleging that they had indulged in firing, however, in the alleged firing no injury at all has been caused to anybody. It is submitted that there is a counter case being Asthawan P.S. Case No.02 of 2023 which has been lodged by wife of petitioner no.2,

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the submissions that the petitioners have been falsely implicated in this case alleging that they had indulged in firing, however, in the alleged firing no injury at all has been caused to anybody, there is a counter case being Asthawan P.S. Case No.02 of 2023 which has been lodged by wife of petitioner no.2, no incriminating material has been recovered from the possession of the petitioners and further that the petitioner nos.1 to 3 have though got one criminal antecedent in which they are on bail whereas petitioner no.4 has no criminal antecedent, this Court directs that in case of their arrest/surrender within a period of four weeks from today, let the petitioners above-named be enlarged on bail on furnishing bail



bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Nalanda at Biharsharif in connection with Ashthawan P.S. Case No. 01 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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