

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24655 of 2023

Arising Out of PS. Case No.-204 Year-2017 Thana- SANOKHAR District- Bhagalpur

1. Pintu Paswan, Male, aged about 30 years, Son of Late Yaddu Paswan R/V- Bhiraundha, PS- Sanokhar, Dist- Bhagalpur
2. Sanjay Paswan, Male, aged about 36 years, Son of Basudeo Paswan R/V- Bhiraundha, PS- Sanokhar, Dist- Bhagalpur
3. Santosh Paswan @ Pradip Paswan, Male, aged about 21 years Son of Sanchu Paswan R/V- Bhiraundha, PS- Sanokhar, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate
For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

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

The petitioners are apprehending their arrest in connection with Sanokhar P.S. Case No. 204 of 2017, registered for the offence punishable under Sections 341, 342, 323, 384, 504, 506/34 of the Indian Penal Code (for brevity 'IPC').

The petitioners along with other co-accused persons, named in the First Information Report (for brevity 'F.I.R.'), are alleged to have indulged in forcible collection of '*chanda*' of Rs. 5,000/- and on refusal, it is alleged that they have assaulted the informant and other persons.



Learned counsel for the petitioner submits that informants were averse to the decision of the Panchayat for demolishing a '*Samudayik Bhawan*', and as such, petitioners have been implicated in this case on extraneous consideration.

This submission finds support, in the petition submitted to the Sub-Divisional Officer (for brevity 'S.D.O.') by nearly seventy six (76) persons of the village, copy of which is Annexure-2 to the bail application. Other than Section 353 of the IPC, Sections 341, 342 & 504/34 are bailable sections. Section 353 of the IPC, will not be attracted, as the informant is not a public servant. Petitioners are stated to have no criminal antecedents.

Learned APP for the State has opposed the prayer for pre-arrest bail.

Considering the rival submissions, nature of allegations, clean antecedents of the petitioners, as well as the petition submitted by the villagers (Annexure- 2), this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail is allowed.

Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a



period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Bhagalpur, in connection with Sanokhar P.S. Case No. 204 of 2017, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure with following conditions:

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fails to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

Raj kishore/-

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