

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27345 of 2023

Arising Out of PS. Case No.-213 Year-2020 Thana- SUPAUL District- Supaul

1. Bechan Paswan S/O Dukhan Paswan Resident Of Village- Chandel, P.O. Balaut, P.S.- Supaul District- Supaul.
2. Surendra Prasad Yadav @ Surendra Yadav S/O Late Mahabir Prasad Singh Resident Of Village- Chandel, P.O. Balaut, P.S.- Supaul District- Supaul.
3. Ranjit Paswan S/O Bechan Paswan Resident Of Village- Chandel, P.O. Balaut, P.S.- Supaul District- Supaul.
4. Mahendra Ram S/O Lakhan Ram Resident Of Village- Chandel, P.O. Balaut, P.S.- Supaul District- Supaul.
5. Uriya Devi W/O Dukhan Paswan Resident Of Village- Chandel, P.O. Balaut, P.S.- Supaul District- Supaul.
6. Lakhan Ram S/O Late Behary Ram Resident Of Village- Chandel, P.O. Balaut, P.S.- Supaul District- Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjay Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Anish Chandra, APP
For the Informant	:	Mr. Nafisuzzoha, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 21-07-2023 1. Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 143, 149, 341, 323, 504, 308, 380, 379, 354(A), 427 and 506 of the Indian Penal Code.
3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent, petitioner no.5 is a women and the informant alleges that accused persons, including



the petitioners, came and asked to vote in favour of Surender Yadav (*Mukhiya* candidate), further while talk was going on, Dilip assaulted him by fist, Madan assaulted his father by *lathi* fracturing his hand, Mahendra dashed his wife on the ground and assaulted by leg, thereafter Lakhan assaulted his daughter by fist, Madan committed theft, Uria Devi snatched chain from the neck of his wife and Ranjit fled with the nosepin of his daughter.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, it is next submitted that from bare perusal of the allegations as alleged in the FIR it would manifest that the same does not inspire confidence for the reason that the informant with precision has alleged that which accused committed what occurrence, which does not appear to be possible. Learned counsel further submits that on account of dispute relating to election, the present false case came to be instituted, it is also submitted that the petitioners are not alleged to have assaulted any of the so-called injured.

5. Learned A.P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the petitioners and the learned counsel for the informant submits that petitioner no.2 has not approached this Court with clean hands as it has been pleaded at paragraph '3' that he is a person with clean



antecedent when he has antecedent of more than five cases.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Supaul P.S. Case No. 213 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that the learned trial court before accepting the bail bonds of the petitioner no.2 shall verify his criminal antecedents and in the event, if it is found that petitioner no.2 has antecedent of even one case, in that event, the present anticipatory bail order shall not be given effect to in favour of petitioner no.2.

(Satyavrat Verma, J)

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