

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38571 of 2023

Arising Out of PS. Case No.-177 Year-2022 Thana- MANIGACHI District- Darbhanga

1. Dilip Paswan @ Dilip Kumar Paswan @ Dilip Kumar Son of Sahdeo Paswan Resident of Village - Rajwara, P.O.- Nehra, P.S.- Manigachhi, District - Darbhanga.
2. Lalit Paswan Son of Jagdish Paswan Resident of Village - Rajwara, P.O.- Nehra, P.S.- Manigachhi, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saurav Anand, Advocate
For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Manigachhi P.S. Case No. 177 of 2022, registered on 29.08.2022 for the offences under Sections 147, 148, 149, 332, 333, 353, 188, 302, 307, 504, 283 and 120(B) of the Indian Penal Code.

3. As per prosecution case, 41 FIR named co-accused persons along with 100-150 unknown miscreants attacked the police party and the Government officials when they were trying to remove the encroachment from certain land. In this attack, one home-guard lost his life. The attackers also damaged the



vehicles of the informant, a JCB vehicle and the vehicle of the police party. The name of the petitioners transpired during investigation for also being involved in the occurrence.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioners are not the encroachers and they have not been named even during investigation for making any encroachment over the government land. The names of the petitioners have been dragged in this case merely on suspicion on the basis of some photographs taken by media persons. The petitioners are not the resident of village Raghapur from where the encroachment was being removed. The petitioners are resident of village Rajwara and while they were on their way to Darbhanga they were caught in a jam with other passerby where the mob was pelting stones and bricks. For only being present at the place of occurrence, the petitioners have been implicated merely on suspicion. Similarly placed co-accused, namely, Subh Narayan Paswan was granted anticipatory bail by a Coordinate Bench of this Court vide order dated 26.07.2023 passed in Cr. Misc. No. 30374 of 2023. The petitioners have got no criminal antecedent.

5. Learned APP opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the possibility of false accusation, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Darbhanga/ court concerned in connection with Manigachhi (Nehra O.P) P.S. Case No. 177 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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