

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43554 of 2023

Arising Out of PS. Case No.-69 Year-2023 Thana- FATEHPUR District- Gaya

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1. Nagina Paswan S/O Lalan Paswan @ Lallan Paswan, R/O Village- Manpur, Ps. Fatehpur, Dist. Gaya.
 2. Chhotu Paswan @ Guddu Paswan S/O Lalan Paswan @ Lallan Paswan, R/O Village- Manpur, P.s. Fatehpur, Dist. Gaya.

... .. Petitioners

Versus

The State Of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-08-2023 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 Fatehpur P.S. Case No. 69 of 2023 registered for the offences punishable under Sections 341, 323, 504, 506, and 34 of the Indian Penal Code and under Sections 25(I-b)a, 26 of the Arms Act. They have got no criminal antecedent.

3. Learned counsel for the petitioners submits that when the informant raised objection regarding playing of obscene song in the Puja Pandal, the petitioners and other co-accused armed with weapons went to the house of the informant and started abusing him and even threatened to kill him. On



Hulla, people assemble there and then one desi katta was recovered from one of the accused by the help of the villagers and handed over to the SHO.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that there is no specific allegations against the petitioners.

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

6. Having regard to the submission that there is a case and counter case of the alleged occurrence and the recovery of the pistol is not by police and allegedly the pistol was handed over to police by the informant's side alleging that these petitioners had come with the pistol, the submission being that there is no seizure of arm from possession of the petitioners in accordance with law and it is a concocted story between the two rival parties in the village, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail in connection with Fatehpur P.S. Case No. 69 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional



Chief Judicial Magistrate, Xth Gaya, 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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