

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42157 of 2022

Arising Out of PS. Case No.-196 Year-2011 Thana- TRIVENIGANJ District- Supaul

1. VIKASH @ VIKASH PASWAN @ VIKASH KUMAR PASWAN Son of Shiv Nandan Paswan Resident of Village - Semaria, P.s.- Tribeniganj, Distt.- Supaul.
2. Shiv Nandan Paswan Son of Late Sunder Paswan Resident of Village - Semaria, P.s.- Tribeniganj, Distt.- Supaul.
3. Devnandan Paswan Son of Bhular Paswan Resident of Village - Semaria, P.s.- Tribeniganj, Distt.- Supaul.
4. Chaukidar Bhular Paswan @ Bhular Paswan Son of Late Jetar Paswan Resident of Village - Semaria, P.s.- Tribeniganj, Distt.- Supaul.
5. Shiavjee Mehta Son of Banwari Mehta Resident of Village - Semaria, P.s.- Tribeniganj, Distt.- Supaul.
6. Umesh Mehta Son of Suryanandan Mehta Resident of Village - Semaria, P.s.- Tribeniganj, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamal Kishore Singh
For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 10-02-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections



323, 353, 385 read with Section 34 of the Indian Penal Code.

As per the prosecution case, the headmaster of the school was constructing a building in the school premises. In the meantime, the petitioners started making hindrance in the said construction and demanded Rs. 50,000/- as *rangdari* and they also abused the informant, labours and mason (mistri).

Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. He has further submitted that the alleged occurrence took place on 24.10.2011 but the F.I.R. was lodged on 14.11.2011 and there is no explanation for this delay. He has further submitted that the money was not delivered to the petitioners so Section 384 is not made out against the petitioners. The petitioners have got clean antecedent as stated in para 3 of the bail petition.

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

Considering the aforesaid facts and circumstances of the case and material available on record, let the above named petitioners, in the event of their arrest/ surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bonds of Rs. 20,000/-



(Twenty Thousand)each with two sureties of the like amount each to the satisfaction of Court concerned, Supaul in connection with Tribeniganj P.S. Case No. 196 of 2011, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with the following condition :-

1. The petitioners are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of his bail bond.

The application stands allowed.

(Chandra Prakash Singh, J)

Gautam/-

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