

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45750 of 2023

Arising Out of PS. Case No.-30 Year-2023 Thana- KARAHGAR District- Rohtas

1. DAROGA PASWAN S/O LATE SAKALDEEP PASWAN R/O Village- Trilokpur, P.S- Kargahar, Distt.- Rohtas.
2. Shree Niwash Paswan S/O Hari Paswan R/O Village- Trilokpur, P.S- Kargahar, Distt.- Rohtas.
3. Vijay Paswan S/O Daroga Paswan R/O Village- Trilokpur, P.S- Kargahar, Distt.- Rohtas.
4. Baijnath Paswan @ Naga Paswan S/O Dasai Paswan R/O Village- Trilokpur, P.S- Kargahar, Distt.- Rohtas.
5. Pappu Paswan S/O Late Manger Paswan R/O Village- Trilokpur, P.S- Kargahar, Distt.- Rohtas.
6. Surendra Paswan S/O Baban Paswan R/O Village- Trilokpur, P.S- Kargahar, Distt.- Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-08-2023 Heard Mr. Shailendra Kumar Singh, learned counsel
for the petitioners and learned APP for the State.

The petitioners apprehend their arrest in connection with Kargahar P.S. Case No. 30 of 2023 for the offence registered under sections 341, 323, 307, 504, 506 and 34 of the Indian Penal Code and section 27 of the Arms Act lodged on 27.01.2023 by the informant, Idu Miya.

As per the prosecution story, the allegation is that all



the accused persons assaulted the informant's son and allegation against Gufran Alam and Sanjay Paswan is/are of opening fire causing injury in the head and the stomach. Accordingly, the FIR.

Learned counsel for the petitioners submit that there is case and counter case and further omnibus allegation has been made, so far as these petitioners are concerned. The specific allegation is against Sanjay Paswan and Gufran Alam and both of them are not petitioners herein.

Further, so far as the omnibus allegations against the other accused persons are there, it is his categorical statement that he has taken RTI route and as per it, the other injuries so far as the allegation on the petitioners are concerned, have been found to be simple in nature.

Let the Injury Report be kept on record.

Learned APP for the State has gone through the RTI information and has informed that the injuries are simple in nature.

Considering the aforesaid facts, specific allegation is against Gufran Alam and Sanjay Paswan, omnibus allegation against these petitioners, this Court is inclined to extend them privilege of anticipatory bail.



Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Rohtas at Sasaram in connection with Kargahar P.S. Case No. 30 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show their *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(v) the petitioners shall desist from committing any



criminal offence again failing which the State shall be at liberty
to take steps for cancellation of their bail bonds.

With the aforesaid observations, the anticipatory bail
application stands allowed.

(Rajiv Roy, J)

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