

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46677 of 2022

Arising Out of PS. Case No.-180 Year-2019 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. SHIV LAL PASWAN SON OF JAGDEEP PASWAN R/O VILAGE-GAWPUR, P.O.- GAWPUR, P.S.- UJIARPUR, DIST.- SAMASTIPUR
 2. HARILAL PASWAN SON OF JAGDEEP PASWAN R/O VILAGE-GAWPUR, P.O.- GAWPUR, P.S.- UJIARPUR, DIST.- SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh, Advocate

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-01-2023 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners apprehend their arrest in connection with Complaint Case No.180 of 2019 for the offence registered under Sections 395, 147, 148, 149, 354A, 363A and 365 of the Indian Penal Code and Sections 10, 12, 18, 7 and 8 of the POCSO Act.

As per the prosecution story, the accused persons tried to abduct the complainant's son and on alarm, they fled away. Later, they again came to house and started assaulting him and the further allegation is that they also tried to outrage the modesty of his daughter.



Learned counsel for the petitioners submit that there is omnibus allegation against all the accused persons including the petitioners herein and the real cause is that they are employee of Ajay Kumar, who successfully contested the 'Mukhiya' election and the informant who was also trying his luck as a 'Panchayat Samiti' Member lost and accordingly, this FIR is lodged. His last submission is that Ajay Kumar under whom they worked has since been granted the same relief in Criminal Miscellaneous No. 13292 of 2021 vide order dated 21.01.2022 (Annexure-3 to the bail application).

Learned APP for the State opposes the prayer for bail and submits that the allegations are there against all the accused persons including the petitioners herein.

Taking into account the aforesaid fact that there is general and omnibus allegation against the two petitioners herein, Ajay Kumar and three others have since been granted the privilege of anticipatory bail as stated above and the petitioners do not have criminal antecedent, this Court is inclined to grant 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 Additional Sessions Judge-VI cum Special Judge POCSO Act, Samastipur in connection with Complaint Case No. 180 of 2019, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Jagdish/Neha-

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