

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70528 of 2022

Arising Out of PS. Case No.-441 Year-2020 Thana- BIHPUR District- Bhagalpur

1. Jayjay Paswan S/O Tribeni Paswan.
2. Paro Paswan S/O Late Varish Paswan.
3. Raman Paswan S/O Tribani Paswan.
4. Raja Ram Paswan S/O Tribani Paswan.
5. Hare Ram Paswan S/O Tribani Paswan.
6. Jawahar Paswan S/O Kokan Paswan.
7. Raj Kumar Paswan S/O Ramdeo Paswan.
8. Bablu Paswan S/O Bindeshwari Paswan.
9. Gholat Paswan S/O Kokan Paswan.
10. Nandu Paswan S/O Kokan Paswan.
11. Rekha Devi W/O Rajesh Paswan.
12. Kaila Paswan S/O Satto Paswan.
13. Nunulal Paswan @ Tuso Paswan S/O Ayodhi Paswan.
14. Arun Paswan S/O Varish Paswan
15. Talki Devi W/O Kokan Paswan.

All above are resident of village-Nagarpana, P.S.- Bhawanipur/Bihpur, Distt-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Narendra Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-01-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection
with Bhawanipur (Bihpur) P.S. Case No.441 of 2020 instituted
under Sections 147,149,323,341,354,342,506 of the IPC and ³/₄
of Daain Act.



As per the prosecution story, the informant alleged that hundreds of people armed variously reached the informant's house and after stating her to be 'Dayan' as also that Triveni Paswan's, son Anjesh Paswan died due to her, they assaulted. The specific allegation is against the Triveni Paswan and his family members of leading the mob.

Learned counsel for the petitioners submit that only allegation is against Triveni Paswan/family, but hundred of persons have been clubbed as accuseds. The further submission is that some of the co-accuseds have been extended the privilege of anticipatory bail in Cr. Misc. No.1584 of 2022 by a coordinate bench of this Court on 27-07-2022.

Taking into the account aforesaid fact, so far as the sons of Tribeni Paswan namely petitioner no.1 Jayjay Paswan, petitioner no.3 Raman Paswan, petitioner no.4 Raja Ram Paswan are concerned, they are not entitled to the privilege of anticipatory bail in view of the fact that in this society, such kind of allegation followed by assault cannot be tolerated and allegation on them is/are of assault after using the word 'Dayan' for her.

So far as the petitioner no.5, Hare Ram Paswan is concerned, although he is son of Tribeni Paswan considering his



old age being of 61 years and do not have criminal antecedent, this Court is inclined to grant him privilege of anticipatory bail which is accordingly allowed.

So far as the other petitioners i.e. petitioner no.2 and petitioner nos.6 to 15 are concerned, in view of the fact that they do not have criminal antecedent and omnibus allegation is/are against them that they were part of the crowd which was being led by Tribeni Paswan, their anticipatory bail applications are also allowed.

Let the petitioner no.2 Paro Paswan, petitioner no.5 Hare Ram Paswan, petitioner no.6 Jawahar Paswan, petitioner no.7 Raj Kumar Paswan, petitioner no.8 Bablu Paswan, petitioner no.9 Gholat Paswan, petitioner no.10 Nandu Paswan, petitioner no.11 Rekha Devi, petitioner no.12 Kaila Paswan, petitioner no.13 Nunulal Paswan @ Tusso Paswan, petitioner no.14 Arun Paswan and petitioner no.15 Talki Devi be released on bail, in the event of their arrest or surrender before the Subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Bhawanipur (Bihpur) P.S. Case No.441 of 2020 to the satisfaction of learned A.C.J.M., Ist, Naugachhiya, subject



to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her 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 fortnight for next six months 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 the 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 the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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