

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56088 of 2023

Arising Out of PS. Case No.-169 Year-2023 Thana- LALGANJ District- Vaishali

1. Yogendra Paswan S/O Chandradeo Paswan R/O Village- Ghataro, PS. Kartahan, Dist. Vaishali
2. Sanjay Paswan S/O Sakaldeo Paswan R/O Village- Ghataro, PS. Kartahan, Dist. Vaishali
3. Suman Kumar S/O Nunu Paswan R/O Village- Ghataro, PS. Kartahan, Dist. Vaishali
4. Abhishek Kumar Bharti @ Mahesh Paswan S/O Late Ram Chandra Paswan R/O Village- Raudi Pokhar And PS. Lalganj, Dist. Vaishali
5. Dilip Paswan S/O Jagat Paswan R/O Village- Raudi Pokhar And PS. Lalganj, Dist. Vaishali
6. Sunil Paswan @ Karan Paswan S/O Late Ganne Paswan R/O Village- Basanta, Ps. Lalganj, Dist. Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Sinha, Adv.

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioners and the learned
APP for the State.

2. The petitioners are apprehending their arrest in connection with Lalganj PS Case No. 169 of 2023, dated 14-04-2023 registered for the offence punishable under Sections 147, 148, 149, 341, 342, 323, 324, 427, 504, 506, 188, 435, 307, 150, 151, 152, 186 and 326 of the Indian Penal Code.

3. 14 persons have been arrested while indulging in destruction of property and assaulting police personnel. The accused persons were on rampage in view of killing of a leader,



while they were in the funeral process. The petitioners are one amongst the 28 others persons, who have been named by the local 'Chowkidar' and who are said to be figuring in the CCTV footage of the locality. There are also 500 unknown accused persons, as per allegation in the First Information Report (for brevity 'FIR') .

4. It is submitted by the petitioners' counsel that petitioners have no antecedents. They are amongst the 28 persons named by the local 'Chowkidar' and other local persons on extraneous consideration. The petitioners have not indulged in any assault on the police personnel and were, thus, not arrested from the funeral procession. The submission is that, in fact, they were passerby and they have become victim of the circumstance based on suspicion.

5. Learned APP for the State has opposed the prayer for bail.

6. Considering the rival submissions, the fact that the petitioners have subsequently been named on statement of local 'Chowkidar' and other local persons, their clean antecedents and having regard to the nature of allegations against large number of accused persons, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for anticipatory bail is allowed.



7. Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM Vaishali at Hajipur, in connection with Lalganj PS Case No. 169 of 2023, dated 14-04-2023, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure with following conditions:

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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