

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.55931 of 2023**

Arising Out of PS. Case No.-637 Year-2022 Thana- RAJGIR District- Nalanda

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Amit Kumar Paswan S/O Rambrikash Paswan Village Gulabbigha Mohanpur  
Po And Police Station Nalanda District Nalanda At Biharsharif

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**

**ORAL ORDER**

2      30-08-2023      Heard learned counsel for the petitioner and the learned  
Additional Public Prosecutor (for brevity 'APP') for the State.

2.      The petitioner is apprehending his arrest in connection with Rajgir P.S. Case No. 637/ 2022 registered for the offence punishable under Sections 147, 149, 153, 353, 323, 504 and 506 of the Indian Penal Code (for brevity 'IPC').

3.      There is allegation of certain persons obstructing the drive for removing encroachments and inciting communal hatred in the process.

4.      Learned counsel for the petitioner submits that as against the petitioner there is allegation that on phone, he has threatened Officer of District Administration with dire consequences. It is further submitted that from the allegation, it



is obvious that the petitioner was not present at the place of alleged occurrence. In fact, the First Information Report (for brevity 'F.I.R.') has been lodged on 16-11-0222. Though the F.I.R., is said to have been lodged at the instance of the officials. Such delay in lodging of the F.I.R. casts a grave shadow of doubt on the entire prosecution case. Even otherwise, the petitioner, as per the allegation, was not even present at the place of occurrence. He has no criminal antecedents.

5. Learned APP for the State has opposed the prayer for anticipatory bail. It is submitted that there is specific allegation that the petitioner has threatened the official with dire consequences telephonically, when they were in the process of removing the encroachments. He is named accused person.

6. Having regard to the submissions advanced by the petitioner's counsel, nature of allegation against the petitioner, delay in lodging of the F.I.R by officials of the District Administration and clean antecedents of the petitioner, this Court is inclined to accept the submissions advanced by the learned counsel for the petitioner and allow petitioner's prayer for grant of anticipatory bail.

7. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a



period of four weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda, in connection with Rajgir P.S. Case No. 637/2022, subject to the following conditions:

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

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

**(Madhuresh Prasad, J)**

Raj kishore/-

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