

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57858 of 2023

Arising Out of PS. Case No.-206 Year-2023 Thana- ARA MUFFSIL District- Bhojpur

1. Shailendra Paswan @ Vikki Paswan S/O Jaiprakash Paswan Village-Jagwaliya, Ps- Ara Mufassil Dist- Bhojpur
2. Narendra Paswan @ Pappu Paswan S/O Jaiprakash Paswan Village-Jagwaliya, Ps- Ara Mufassil Dist- Bhojpur
3. Navneet Paswan @ Navnit Kumar Son Of Umakant Paswan Village-Jagwaliya, Ps- Ara Mufassil Dist- Bhojpur

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Ara Muffasil P.S. Case No. 206 of 2023 registered for the offences punishable under Sections 341, 323, 324, 325, 326, 379, 307 and 34 of the Indian Penal Code and Section 27 of the Arms Act. Petitioner no.1 has got two criminal antecedents, petitioner no.2 has no criminal antecedent and no statement has been made regarding criminal antecedent of petitioner no.3 in paragraph '3' of the application.

3. As per the prosecution story, on 13.05.2023, the



informant's father while returning after attending nature's call was surrounded by the FIR named accused persons, including the petitioners. On the order of co-accused Radheshyam Paswan, petitioner no.1 assaulted the informant's father on his back by knife, petitioner no.2 assaulted by a *dab* on his head and petitioner no.3 snatched gold chain from his neck. The other accused persons also caused assault to the informant's father.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the allegation against the petitioners are general, omnibus in nature and not specific.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners. It is submitted that there is specific allegation against petitioner no.2 for causing injury by *dab*.

6. Having regard to the facts and circumstances of the case, there being a specific allegation of causing assault on the head of the father of the informant by a *dab* against Pappu Paswan, this Court is not inclined to grant privilege of anticipatory bail to Pappu Paswan (petitioner no.2). His prayer for anticipatory bail is refused.

7. So far as petitioner nos. 1 and 3 are concerned,



considering the kind of allegations against them, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioner nos. 1 and 3 above named be released on bail in connection with Ara Muffasil P.S. Case No. 206 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-7th, Bhojpur at Ara subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. And further condition that the court below shall verify the criminal antecedent of the petitioner nos. 1 and 3 and in case at any stage it is found that the petitioner nos. 1 and 3 have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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