

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60209 of 2023

Arising Out of PS. Case No.-30 Year-2023 Thana- KARAHGAR District- Rohtas

Hakim Paswan @ Akhilesh Paswan S/O Sheomuni Paswan R/O Village-
Trilokpur, Ps.Kargahar, Dist. Rohtas

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwari, Advocate

For the Opposite Party/s : Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Kargahar P.S. Case No. 30 of 2023 registered for the offences punishable under Sections 341, 323, 307, 504, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act. He has got no criminal antecedent.

3. As per the prosecution story, on 27.01.2023 at 1:00 pm, while the informant along with his son and other persons was going to offer Namaz, the accused persons, including the petitioner, started abusing and assaulting his son. It is alleged that one Sanjay Paswan fired at the informant's son by rifle due to which he sustained injury on hand and chest and he fell down and when the informant reached at the said place, all the



accused persons fled away threatening that in case he lodges FIR, he will have to face dire consequences.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner has been named one amongst the twelve accused persons who had assembled at the place of occurrence. No specific allegation of committing any overt act has been alleged against this petitioner and a similarly situated co-accused has been granted the privilege of anticipatory bail in Cr. Misc. No. 45750 of 2023.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances of the case wherein it is submitted in the First Information Report that altogether twelve persons, including this petitioner, are named as the persons who had assembled at the place of occurrence, however, there is no specific allegation of commission of any overt act against the petitioner and the co-accused similarly situated has been granted privilege of anticipatory bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 45750 of 2023 vide Annexure '4' to the present application, the petitioner has otherwise no criminal antecedent, hence, this



Court directs that in case of his arrest or surrender within a period of six weeks from today, the petitioner above named be released on bail in connection with Kargahar P.S. Case No. 30 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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