

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60659 of 2023

Arising Out of PS. Case No.-122 Year-2023 Thana- KALYANPUR District- Samastipur

1. Shankar Paswan S/O Bindeshwar Paswan R/O Village- Akabarpur Ward No. 11, Ps. Kalyanpur, Dist. Samastipur
2. Sonu Paswan S/O Shankar Paswan R/O Village- Akabarpur Ward No. 11, Ps. Kalyanpur, Dist. Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioners and the learned Additional Public Prosecutor (for brevity 'APP') for the State.

2. The petitioners are apprehending their arrest in connection with Kalyanpur P.S. Case No. 122/ 2023 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 353, 324, 307, 338, 332, 333, 224, 379, 504 of the Indian Penal Code (for brevity 'IPC').

3. Petitioners were being apprehended along with illicit liquor when they had raised noise, whereafter, some persons have assembled and attacked the excise team and have damaged the police vehicle.

4. Learned counsel for the petitioners submits that



petitioners have been implicated in this case on extraneous consideration. Petitioner No. 1 implication is a sequel to the earlier three cases lodged against him under the Bihar Prohibition and Excise Act. Insofar as petitioner No. 2 is concerned, it is submitted that he has no antecedents and has been implicated by virtue of his relationship with petitioner No. 1.

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

6. Having regard to the submissions advanced by the petitioner No.1 counsel, nature of allegations and antecedents of petitioner No. 1, this Court is not inclined to allow petitioner No. 1, namely, Shankar Paswan, prayer for grant of anticipatory bail.

7. Insofar as petitioner No. 2 is concerned, it is stated that he has no antecedents and by virtue of his relationship with the petitioner No. 1, he has been implicated in this case. Considering this submission, the Court is inclined to allow the prayer insofar as petitioner No. 2, namely, Sonu Paswan, is concerned.

8. Accordingly, let the petitioner No. 2, namely, Sonu Paswan, 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 Judicial Magistrate, 1st Class, Samastipur, in connection with Kalyanpur P.S. Case No. 122/2023, 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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