

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67611 of 2022

Arising Out of PS. Case No.-108 Year-2020 Thana- CHERIYA BARIYARPUR District-
Begusarai

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1. Pramod Paswan S/o Ramjee Paswan R/o Village- Karor, P.O.- Khanjhanpur, P.S.- Cheriya Bariyarpur, Distt- Begusarai.
 2. Anil Paswan S/o Ramjee Paswan R/o Village- Karor, P.O.- Khanjhanpur, P.S.- Cheriya Bariyarpur, Distt- Begusarai.
 3. Pawan Paswan S/o Ramjee Paswan R/o Village- Karor, P.O.- Khanjhanpur, P.S.- Cheriya Bariyarpur, Distt- Begusarai.
 4. Bhushan Paswan S/o Ramjee Paswan R/o Village- Karor, P.O.- Khanjhanpur, P.S.- Cheriya Bariyarpur, Distt- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-04-2023 Heard learned counsel for the petitioners and learned
counsel for the State.

In this present case, the petitioners are apprehending their arrest in connection with Cheriya Bariyarpur P.S. Case No. 108 of 2020, registered on 22.06.2020 for the offences under Sections 147, 149, 353, 323, 307, 332, 337, 120(B) and 427 of the Indian Penal Code.

As per prosecution case, police received information about assembly of petitioner and number of other co-accused persons in the form of a mob who were attacking the house of one



Golu Paswan. Police reached there and tried to rescue the said Golu Paswan. While he was being removed from the spot by the police, he was assaulted by the members of the mob and they also attacked the police personnel and resorted to stone pelting. Police somehow left the place with Golu Paswan without any noticeable harm.

Learned counsel for the petitioners submits that the petitioners are brothers and no specific overt act has been attributed to them. Allegations are mostly general and omnibus against the petitioners and other co-accused persons. There is nothing on record to certify the fact that any door was broken or any person received any injury. The person who was rescued by the police personnel has also lodged a case bearing P.S. Case No. 109 of 2020 and the informant of this case is an influential person, he has encroached upon the public land which was objected by the villagers, but he, in connivance with the police, has lodged a false case against the petitioners and others. The petitioners never obstructed the police from performing their duties.

Learned APP opposes the submissions made on behalf of the petitioners submitting that the petitioners are having criminal antecedents.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the non-specific nature of allegation against the petitioners with



possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty five thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Manjhaul, Begusarai/concerned court in connection with Cheriya Bariyarpur P.S. Case No. 108 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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