

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73111 of 2022

Arising Out of PS. Case No.-159 Year-2022 Thana- ASHTHAWAN District- Nalanda

1. Vikash Kumar @ Vikash Paswan Son of Dinesh Paswan R/V- Mahni, P.O- Konand, P.S- Asthama, Dist- Nalanda at Bihar Sharif
2. Pashuram Paswan Son of Kishori Paswan R/V- Mahni, P.O- Konand, P.S- Asthama, Dist- Nalanda at Bihar Sharif
3. Parakhi Paswan Son of Kishori Paswan R/V- Mahni, P.O- Konand, P.S- Asthama, Dist- Nalanda at Bihar Sharif
4. Anirudh Kumar Son of Pashuram Paswan R/V- Mahni, P.O- Konand, P.S- Asthama, Dist- Nalanda at Bihar Sharif
5. Dinesh Paswan Son of Surju Paswan R/V- Mahni, P.O- Konand, P.S- Asthama, Dist- Nalanda at Bihar Sharif
6. Adhin Paswan Son of Surju Paswan R/V- Mahni, P.O- Konand, P.S- Asthama, Dist- Nalanda at Bihar Sharif

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners in the present case are seeking pre-arrest bail in connection with Asthama P.S. Case No. 159 of 2022 registered for the offences punishable under Sections 147, 148, 149, 153, 153(A), 109, 186, 188, 295(A), 353, 341, 342, 323, 325, 307, 337, 338, 504, 506 and 120(B) of the Indian Penal Code. Petitioners have got no criminal antecedent.

As per the prosecution story, 31 FIR named persons



along with 100 unknown persons were involved in the unlawful construction on one acre fifteen decimal Gairmajarua Malik land situated in Mohni which was used as Kabristan (graveyard) by the local people. The informant along with armed forces reached at the place of occurrence and on seeing the police party, the mob became aggressive and started pelting on police party. In that course, three persons were arrested namely, Balram Paswan, Ranjeet Paswan and Surendra Paswan. One Chaukidar sustained injury in brick batting.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that there is no specific allegation against petitioners. It is also submitted that co-accused similarly situated namely Babuchand Paswan has already been granted bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 71218 of 2022.

Mr. Kalyan Shankar, learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case, considering that it is a case of land dispute and several persons have been named in respect of the alleged occurrence, the co-accused similarly situated namely Babuchand Paswan



has been granted privilege of pre-arrest bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 71218 of 2022, this Court directs that the petitioners above-named in the event of their arrest or surrender within a period of four weeks from today shall be released on bail in connection with Asthama P.S. Case No. 159 of 2022 on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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