

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74747 of 2022

Arising Out of PS. Case No.-503 Year-2022 Thana- SHIVSAGAR District- Rohtas

1. NATHUNI PASWAN @ NATHUNI RAM S/o Late Hari Paswan R/o Village- Ulho, P.S.- Shivsagar (Baddi), Distt- Rohtas.
2. Nirmal Paswan @ Nirbhay Paswan S/o Nathuni Paswan @ Nathuni Ram R/o Village- Ulho, P.S.- Shivsagar (Baddi), Distt- Rohtas.
3. Nitish Kumar S/o Nathuni Paswan @ Nathuni Ram R/o Village- Ulho, P.S.- Shivsagar (Baddi), Distt- Rohtas.
4. Pankaj Kumar @ Pankaj Paswan S/o Upendra Paswan R/o Village- Ulho, P.S.- Shivsagar (Baddi), Distt- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Shanker Sahay, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-05-2023 At the outset, the learned counsel for the petitioners seeks not to press the present petition *qua* the petitioner no. 3.

Accordingly, the present petition stands dismissed as not pressed *qua* the petitioner no. 3.

Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Shivsagar (Baddi) PS case no. 503 of 2022, registered for the offences punishable under Section 307 and other allied sections of the Indian Penal Code.

The case of the prosecution in brief is that on



10.10.2022, while the informant was returning from his sister's house along with his niece at about 5.30 pm and had reached near the house of the accused persons, they had stopped the motorcycle of the informant and had not only abused him but had also assaulted him. As far as petitioner no. 3 is concerned, he is stated to have assaulted the informant with a knife, resulting in him sustaining injuries and other accused persons are stated to have assaulted the informant by sticks.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are having clean antecedent. The learned counsel for the petitioners has further submitted that as far as petitioners no. 1, 2 and 4 are concerned, a general and omnibus allegation has been levelled and they have not been alleged to have engaged in any sort of overt act, hence, they be granted the privilege of anticipatory bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the main accused appears to be the co-accused person namely Nitish Kumar and only general



and omnibus allegation has been levelled *qua* petitioners no. 1, 2 and 4, I deem it fit and appropriate to admit petitioners no. 1, 2 and 4 to the privilege of anticipatory bail.

Accordingly, petitioners no. 1, 2 and 4, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of A.C.J.M.-cum-Sub Judge VI, Sasaram, Rohtas in connection with Shivsagar (Baddi) PS case no. 503 of 2022, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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