

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12411 of 2024

Arising Out of PS. Case No.-113 Year-2023 Thana- PATAHI District- East Champaran

Mantosh Paswan S/O Rambabu Paswan, R/O Village- Bokane Kala, P.S.-
Patahi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-02-2024 Heard Mr. Abhishek Kumar, the learned counsel for
the petitioner and Mr. Shailendra Kumar Singh, the learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Patahi PS Case No. 113 of 2023, FIR dated
15.04.2023, registered for the offences punishable under
Sections 147, 148, 149, 224, 225, 341, 353, 427, 504 and 506 of
the Indian Penal Code.

3. According to prosecution case, when the informant
along with other police personnel apprehended the accused
persons namely, Saroj Paswan and Sunny Kumar @ Pramod
Ram around 40 to 50 persons pelted stones on the police
personnel and extricated the apprehended persons. It is further
alleged that the accused persons assaulted the police personnel,



caused hindrance in discharging of official duty and also damaged police vehicles.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and the allegations as alleged are false and fabricated and the petitioner has not committed any offence as alleged in the FIR and as per allegation in the FIR, when the police personnel had conducted the raid, the house of the co-accused person namely, Saroj Paswan and Sunny Kumar, altogether 40 to 50 persons including the petitioner had assaulted the police party. He further submits that there is no specific allegation of any assault or overt act attributed against the petitioner and the co-accused persons namely, Chulhai Ram and others have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 13.09.2023 passed in Cr. Misc. No. 57683 of 2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and similarly situated co-accused persons have been granted anticipatory bail, let the petitioner, above-named, in the event of



his arrest or surrender before the Court below, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran, where the case is pending in connection with **Patahi PS Case No. 113 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). 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.

(Rajesh Kumar Verma, J)

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