

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11453 of 2024

Arising Out of PS. Case No.-87 Year-2015 Thana- SUPAUL District- Supaul

1. MANOJ KUMAR @ MANOJ PASWAN S/O MISHRI LAL PASWAN R/O WARD NO. 06, CHAKLA NIRMALI, P.S AND DISTT.- SUPAUL.
2. KAILA KUMAR @ SURAJ KUMAR S/O MISHRI LAL PASWAN R/O WARD NO. 06, CHAKLA NIRMALI, P.S AND DISTT.- SUPAUL.
3. SONU PASWAN @ SONU KUMAR S/O ASHOK PASWAN R/O WARD NO. 06, CHAKLA NIRMALI, P.S AND DISTT.- SUPAUL.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun, Adv.

For the Opposite Party/s : Mr.Shantanu Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Supaul P.S. Case No. 87/2015 registered for the offences punishable under Sections 457, 380, 411 of the Indian Penal Code.

3. As per prosecution case, informant woke up at night after hearing some noise and when he proceeded towards the garage, he found that the lock of the main gate was damaged and three persons were fleeing away. It is further alleged three co-accused persons namely Chhotu Paswan, Bijendra Kumar



and Md. Samsad were apprehended on spot. The apprehended co-accused persons further disclosed the name of the petitioners who succeeded in fleeing away from the place of occurrence.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR. The name of the petitioners have been surfaced in the present case on account of disclosure of co-accused Chhotu Paswan. Except disclosure, there is nothing on record to connect the present petitioners with the alleged occurrence. It is further submitted that co-accused Chhotu Paswan who was apprehended on spot has already been convicted in the Supaul P.S. Case No. 169 of 2007 in which the father of petitioner no. 3, Ashok Paswan had lodged the case and on account of said animosity between them, the petitioners have falsely been implicated in the present case. Petitioner no. 1 and 2 are full brothers of Ashok Paswan and petitioner no. 3 is the nephew of petitioner no. 1 and 2. In light of given facts and circumstances of the case, no offence is made out against the petitioners. Petitioners bear no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the



case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Supaul, in connection with Supaul P.S. Case No. 87/2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. This application stands allowed.

(Alok Kumar Pandey, J)

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