

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15254 of 2024

Arising Out of PS. Case No.-258 Year-2023 Thana- SARAI District- Vaishali

1.

Vinay Paswan S/O Ranjit Paswan R/O Village- Mukundpur, P.S- Sarai, Distt.- Vaishali.
2.

Shiva Paswan @ Shiv Kumar S/O Yogi Paswan R/O Village- Mukundpur, P.S- Sarai, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Kumar Mishra, Adv.
For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

214-03-2024

Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

2. The accused/petitioners are named in F.I.R. and apprehending their arrest in connection with Sarai P.S. Case No. 258/2023 registered for the offences punishable under Sections 356, 379 and 34 of the Indian Penal Code.

3. The allegation against petitioners is to take away cash of Rs. 2,700/- from informant and also to assault informant during the course of occurrence.

4. Learned counsel appearing on behalf of the

petitioners submitted that the informant approached petitioners to purchase scrap and other related materials where the weight stone of informant found defective and out of said dispute, some scuffling took place between the parties out of which the present false case was lodged against petitioners by informant, who are the man of clean antecedent. It is submitted that the allegation to take out Rs. 2,700/- is available against both the petitioners simultaneously which making allegation *prima facie* impossible and also making the allegations generalized.

5. Learned APP appearing for the State opposes the prayer of bail.

6. Considering the aforesaid facts and circumstances and by taking note of fact as allegations to take out money from the pocket of informant appears *prima facie* generalized qua petitioners, accordingly, the both above named petitioners, in the event of their arrest or surrender before learned trial court within a period of four weeks, are directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of

the like amount each to the satisfaction of the learned Chief
Judicial Magistrate, Vaishali at Hajipur/concerned Court,
where the case is pending in connection with Sarai P.S. Case
No. 258 of 2023, subject to the conditions as laid down
under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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