

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14307 of 2024

Arising Out of PS. Case No.-259 Year-2023 Thana- SIMRI District- Buxar

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Pappu Paswan S/o Late Amawas Paswan R/o vill - Balihar, P.S. - Simari,
Distt. - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr. M K Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 19-04-2024 Heard Mr. Dr. Kamal Deo Sharma, learned counsel

appearing on behalf of the petitioner and the learned Additional

Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Simari P.S. Case No. 259 of 2023, registered for the
offences punishable under Sections 147, 149, 341, 323, 332,
353, 354, 504 and 506 of the Indian Penal Code.

3. Allegedly, in the night of 01.08.2023, when the
police party conducted raid for apprehending the wanted
accused of Simari P.S. Case No. 233 of 2023 and Simari P.S.
Case No. 218 of 2023, co-accused Dipu Paswan succeeded in
fleeing away with the help of other accused persons. The police
tried to apprehend him, but the petitioner and other accused
persons obstructed the police party in discharging their duty. It



is alleged that the petitioner abused and assaulted the police parties by means of a bamboo stick.

4. It is submitted on behalf of the petitioner that from the FIR, it would be evident that the alleged raid was conducted at 01:00 AM in the night, without any warrant/search warrant, moreover, only because of the petitioner being brother of co-accused Dipu Paswan, his name has been implicated in this case with a view to pressurize the petitioner in order to secure the attendance of co-accused Dipu Paswan. Learned counsel for the petitioner further contended that other co-accused persons, namely, Runi Devi @ Runiya Devi and Neha Devi, they have been allowed the privilege of anticipatory bail by this Court in Cr. Misc. No. 85056 of 2023 vide order dated 18.01.2024. It is lastly submitted that though there is allegation of assault against the petitioner, but none of the police personnels has sustained any injury.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and drawing the attention of this Court to paragraph no. 3 submitted that the petitioner is carrying four criminal antecedents and he appears to be a habitual criminal, indulged in bootlegging.

6. At this juncture, learned counsel for the petitioner



submits that all the cases relates to Bihar Prohibition and Excise Act and this also may be one of the reason to implicate the name of the petitioner.

7. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that the petitioner is carrying four criminal antecedent, this Court is not persuaded to enlarge the petitioner on anticipatory bail. However, if the petitioner would surrender before the jurisdictional Court preferably within a period of four weeks, the learned Court shall consider the case of the petitioner expeditiously without being prejudiced by the order of this Court, as also the fact that none of the police personnels has sustained any injury.

8. With the observation aforesaid, the present application stands dismissed.

(Harish Kumar, J)

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