

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25071 of 2024

Arising Out of PS. Case No.-243 Year-2023 Thana- SAMASTIPUR District- Samastipur

1. Niranjana Paswan S/O Sahdeo Paswan, R/O Village- Mathurapur, Ward No.-3, P.S- Mathurapur, Distt.- Samastipur.
2. Sahdeo Paswan S/O Bhugagi Paswan, R/O Village- Mathurapur, Ward No.-3, P.S- Mathurapur, Distt.- Samastipur.
3. Pappu Paswan S/O Late Lakshmi Paswan, R/O Village- Bahadurpur, Near Shiv Durga Mandir, Ward No.-26, P.S- Town, Distt.- Samastipur.
4. Ashok Paswan @ Ashok Kumar Paswan S/O Sahdeo Paswan, R/O Village- Mathurapur, Ward No.-3, P.S- Mathurapur, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subodh Kumar, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-05-2024 Heard Mr. Subodh Kumar, the learned counsel for the petitioners and Mr. Manoj Kumar, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Samastipur Town PS Case No. 243 of 2023, FIR dated 19.09.2023, registered for the offences punishable under Sections 302 and 436 read with Section 34 of the Indian Penal Code.

3. According to prosecution case, the petitioner along with other co-accused persons set ablaze the mother of



informant, who later died during treatment.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case due to previous dispute between the parties, in fact, the informant's nephew namely, Ankit Kumar fled away with the daughter of the informant and due to this reason the petitioners have falsely been implicated in the present case. He further submits that the allegation levelled in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. He lastly submits that upon perusal of the FIR it appears that there is no specific allegation against these petitioners, rather there is general and omnibus allegations against all the accused persons.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and the fact that the petitioners have clean antecedent and there is no specific allegation, rather there is general and omnibus allegation against all the accused persons, let the petitioners, above-named, in the event of their arrest or surrender before the trial Court, 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) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Samastipur, where the case is pending in connection with **Samastipur Town PS Case No. 243 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

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

(ii). If the petitioners tamper 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 trial Court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the trial Court shall take step for cancellation of bail bond of the petitioners. 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)

Shahnawaz/-

U		T	
---	--	---	--

