

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21408 of 2024

Arising Out of PS. Case No.-762 Year-2023 Thana- MAHUA District- Vaishali

1. Mira Devi W/o Dinesh Paswan R/o Village - Mirjanagar, P.S. -Mahua, District - Vaishali
2. Dinesh Paswan S/o Late Jhapas Paswan @ Zapas Paswan R/o Village - Mirjanagar, P.S. -Mahua, District - Vaishali
3. Ravi Paswan @ Ravi Kumar S/o Umesh Paswan R/o Village - Mirjanagar, P.S. -Mahua, District - Vaishali
4. Sanjeev Paswan @ Sanjeev Kumar S/o Jaddu Paswan @ Jadu Paswan R/o Village - Mirjanagar, P.S. -Mahua, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shanti Bhushan Singh, Advocate
For the Informant	:	Ms. Ruchi Mandal, Advocate
For the State	:	Mr. Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-04-2024 Heard Mr. Shanti Bhushan Singh, learned counsel for the petitioners, Ms. Ruchi Mandal, learned counsel appearing on behalf of the Informant and Mr. Arvind Kumar Pandey, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Mahua P.S. Case No. 762 of 2023, F.I.R. dated 27.11.2023 registered for the offences punishable under Sections 341, 323, 325, 354, 379, 307, 504, 506/34 of the Indian Penal Code and Section 3/4 of the Dyne Act.

3. Allegation against the petitioners is that they along



with other other co-accused persons came to the door of the informant having with lathi-danda and started abusing and told the informant why she has played black magic and then assaulted the informant and her son Bipin Kumar. It is further alleged that the petitioner namely Mira Devi snatched golden Hanumani worth Rs. 25,000/- to the Informant and also Manish Kumar taken away Rs. 3,000/- from the pocket of son of the informant.

4. Learned counsel for the petitioners submits that the petitioner nos. 1, 3 and 4 have clean antecedents and petitioner no. 2 carries two more cases other than the present one in which he is on bail and they have been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act attributed against these petitioners rather there is specific allegation of assault is against co-accused Amit Kumar who assaulted the son of the informant and there is case and counter case between the parties.

5. Learned counsel appearing on behalf of the Informant as well as learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts that there is no



specific allegation of any assault against the petitioners and petitioner nos. 1, 3 and 4 having clean antecedents, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Mahua P.S. Case No. 762 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at



any stage, it is found that the petitioners have concealed their criminal antecedents, the court below 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)

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