

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29662 of 2024

Arising Out of PS. Case No.-159 Year-2022 Thana- ASHTHAWAN District- Nalanda

Gendhari Paswan, aged about 68 years, Male, son of late Dubarik Paswan,
resident of village- Mohani, PS- Asthawan, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazal Rahman, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 12-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Asthawan P.S. Case No. 159 of 2022 dated 31.05.2022 instituted for the offence punishable under Sections 147, 148, 149, 153, 153(a), 109, 186, 188, 295(A), 353, 341, 342, 323, 325, 307, 337, 338, 504, 506, 120B of the Indian Penal Code.

3. The prosecution case, in short, is that on 30.05.2022 at about 09.10 pm, 31 named persons (including petitioner) and 100 unknown persons were involved in the unlawful construction on one acre fifteen decimal *Gairmajarua Malik* land, which was used as *Qabristan*. On getting the information, the police party reached there. It is alleged that on seeing the police party, the mob became aggressive and started



pelting stones on police party, due to which *chaukidar*, namely, Rajesh Paswan sustained grievous injury.

4. Learned counsel for the petitioner submitted that FIR has been lodged against thirty named and hundred unknown persons. The petitioner is named in the FIR. There is no specific allegation against the petitioner, rather, the allegations are general and omnibus. It further submitted that co-accused Ramdeo Paswan, Anil Paswan, Susnil Paswan, Indal Paswan and Chando Paswan have been granted anticipatory bail by this Court vide order dated 24.01.2024 passed in Cr. Misc. No.86601 of 2023. Lastly, it is submitted that the petitioner has no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. CJM, IV, Nalanda, in Asthawan P.S. Case No. 159 of 2022, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.



7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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