

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39464 of 2024

Arising Out of PS. Case No.-16 Year-2024 Thana- SARMERA District- Nalanda

1. Upendra Ram S/O Bineshwar Ram R/O Village- Husaina, P.S- Sarmera, Distt.- Nalanda.
2. Manas Paswan S/O Ramprit Paswan R/O Village- Husaina, P.S- Sarmera, Distt.- Nalanda.
3. Ramprit Paswan S/O Late Sadan Paswan R/O Village- Husaina, P.S- Sarmera, Distt.- Nalanda.
4. Mungari Paswan S/O Vijendra Paswan R/O Village- Husaina, P.S- Sarmera, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 21-09-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Sarmera P.S. Case No. 16 of 2024 registered for the alleged offences under Sections 147, 148, 149, 341, 323, 325, 307, 504, 506 and 387 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, four FIR named persons demanded Rs. 2,00,000/- as extortion from the informant, who is the husband of the Mukhiya of his panchayat. Money was demanded as some construction was being made. When the



informant refused to oblige the co-accused persons, the petitioners and other co-accused persons, who were variously armed, assaulted the informant and his acquaintance causing injuries to them. Co-accused persons also open fire.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. There is no specific allegation of any overt act against the petitioners. From the FIR, it is evident that there is no allegation of demand of any extortion against the petitioners. Even the allegation of assault is against other co-accused persons. Learned counsel further submits that the petitioners have been falsely implicated in this case due to political rivalry with co-accused Subhash Paswan who has lost the panchayat election and has also filed the criminal writ against the informant and others. In fact, the informant has been encroaching the Government land and started construction of boundary wall by restraining ingress and egress of the villagers and this act of the informant was opposed by the villagers, as the petitioners are supporters of Subhash Paswan and they have falsely implicated in this case. Petitioners are having clean antecedent.

5. Learned APP opposes the submissions made on



behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the vague nature of allegation against the petitioners and also considering the clean antecedent of the petitioners coupled with possibility of false accusation, let the petitioners, above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif/ court concerned in connection with Sarmera P.S. Case No. 16 of 2024, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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