

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43743 of 2024

Arising Out of PS. Case No.-342 Year-2022 Thana- CHERIYA BARIYARPUR District-
Begusarai

1. Nitish Paswan @ Nitis Paswana S/o Deo Narayan Paswan R/o vill -
Parmanandpur, P.s. - Cheryabariyarpur, Distt. - Begusarai
2. Ajay Paswan S/o Triyug Paswan R/o vill - Parmanandpur, P.s. -
Cheryabariyarpur, Distt. - Begusarai
3. Vijay Paswan S/o Triyug Paswan R/o vill - Parmanandpur, P.s. -
Cheryabariyarpur, Distt. - Begusarai
4. Chandramauli Paswan S/o Late Bhattu Paswan R/o vill - Parmanandpur, P.s. -
Cheryabariyarpur, Distt. - Begusarai
5. Dharamveer Paswan S/o Late Bhattu Paswan R/o vill - Parmanandpur, P.s. -
Cheryabariyarpur, Distt. - Begusarai
6. Debu Paswan @ Deonarayan Paswan S/o Late Chalitar Paswan R/o vill -
Parmanandpur, P.s. - Cheryabariyarpur, Distt. - Begusarai

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate.

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 07-08-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection
with Cheriya Bariyarpur P.S. Case No.342 of 2022 instituted
under Sections 147, 149, 188, 290, 341, 323, 332, 353,
504/120(B) of the Indian Penal Code.

3. As per the prosecution case, on 29.12.2022 at about
09.15 O'clock 30 to 40 males and females of the locality arrived



in Police Station Cheriya Bariyarpur with the dead body of deceased Bhim Paswan and they have blocked the Road of SH-55. The informant has informed about the same to his superior officials, thereafter C.O. & B.D.O. arrived there. The mob was raising slogan against the police administration and tried to break the gate of P.S. The informant has stated the fact that a Cheriya Bariyarpur P.S. Case No.336 of 2022 was registered against the deceased Bhim Paswan who was arrested by the Police and sent to jail after medical check-up and production before the learned court, but in jail the deceased become unhealthy and has been admitted to the Sadar Hospital from where he has been referred to PMCH but during course of treatment the deceased died. The informant has further stated that the videography of incident has also been prepared and on that basis the identification of accused persons have been made.

4. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. He further submits that petitioners are the family members and agnates of deceased Bhim Paswan who died in judicial custody. Learned counsel submits that accused persons have not committed any physical injury to any one and this case was filed with the purpose for putting pressure upon them, not to protest



the custodial death of deceased. He further submits that petitioners have no criminal antecedent and they undertake to cooperate in the investigation.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering 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 petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount to each to the satisfaction of the learned A.C.J.M., Manjhaul, Begusarai in connection with Cheriya Bariyarpur P.S. Case No.342 of 2022, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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