

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47832 of 2024

Arising Out of PS. Case No.-553 Year-2022 Thana- PHULPARAS District- Madhubani

Krishna Paswan @ Krishneshwar Paswan S/O Raslal Paswan Resident of-
House No. 102 Bela, P.S.-Babubarhi, Distt-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-08-2024 Heard Mr. Bhavesh Kumar Sah, learned counsel for

the petitioner and Mr. Raj Ballabh Singh, learned APP for the

State.

2. The petitioner is apprehending his arrest in connection with Phulparas P.S. Case No. 553 of 2022, F.I.R. dated 22.11.2022 registered for the offences punishable under Sections 341, 323, 308, 379, 385, 504, 506, 34 of the Indian Penal Code.

3. Allegation against the petitioner is of demanding Rs. 5,000/- as extortion money and on refusal he assaulted the informant and abused him and also dragged the informant by rounding around towel on the neck of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the



present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. 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 or demand of rangdari attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that co-accused Baidyanath Paswan and Ankesh Paswan against whom the similar allegation have been granted the privilege of anticipatory bail vide order dated 06.05.2023 in A.B.P. No. 1003 of 2022 by the learned Court below itself.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner is named in the F.I.R. and apart from that the petitioner carries one more case other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in the pending matter.

6. Considering the facts and circumstances of the case and the fact that there is no specific allegation of any assault or overt act attributed against the petitioner rather there is general and omnibus allegation against all the accused



persons including the petitioner as well as co-accused persons have been granted anticipatory bail by the learned Court below, let the petitioner, above named, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Jhanjharpur, Madhubani in connection with Phulparas P.S. Case No. 553 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers 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 petitioner and in case at any stage, it is found that the petitioner has concealed his



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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