

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43640 of 2024

Arising Out of PS. Case No.-41 Year-2024 Thana- PANDARAK District- Patna

1. Sujit Kumar @ Sujit Paswan S/o Bishundeo Paswan R/o vill - Bhuapur, P.S. - Pandarak, Distt. - Patna
2. Rajesh Paswan @ Rajesh Kumar S/o Shiv Paswan @ Shivji Paswan R/o vill - Bhuapur, P.S. - Pandarak, Distt. - Patna
3. Bijo Paswan @ Vijay Paswan S/o Late Jugal Paswan @ Yugeshwar Paswan R/o vill - Bhuapur, P.S. - Pandarak, Distt. - Patna
4. Balmiki Paswan S/o Kedar Paswan R/o vill - Bhuapur, P.S. - Pandarak, Distt. - Patna
5. Bhonu Paswan @ Bhonu Kumar S/o Sikandra Paswan @ Satendra Paswan R/o vill - Bhuapur, P.S. - Pandarak, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gyanendra Kumar Singh
For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-07-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Pandarak P.S. Case No. 41 of 2024 registered for the offences punishable under Sections 147, 188, 148, 149, 307 of the Indian Penal Code.

3. As per prosecution case, informant Pawan Kumar Rajak, ASI made a written report to the S.H.O., Pandarak Police Station on 18.02.2024 stating that informant



proceeded to village Bhuapur alongwith Police party to investigate Pandarak P.S. Case No. 40 / 24 as investigating officer where he got secret information that petitioners are said to have organized Saraswati Puja in village without getting appropriate permission from the competent authority. It is alleged that co-accused Golu Yadav, Rajeev Yadav, Anuj Yadav, Sato Yadav and Bulu Yadav are said to have fired indiscriminately which hit chaukidar namely Arun Paswan and other person namely Rohit Kumar.

4. Learned counsel for the petitioners submits that there is no allegation of firing against the petitioners rather the allegation of firing is directly attributed against co-accused Golu Yadav, Rajeev Yadav, Anuj Yadav, Sato Yadav and Bulu Yadav. He further submits that the allegation against the petitioners are merely organizer of the alleged Saraswati Puja and no overt-act has been attributed against any of the petitioners. Petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. Petitioners bear no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the



case, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory 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 A.C.J.M. Ist, Barh, Patna in connection with Pandarak P.S. Case No. 41 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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