

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46925 of 2024

Arising Out of PS. Case No.-165 Year-2021 Thana- GAYA MUFASIL District- Gaya

ANAND PASWAN S/O NAVLESH PASWAN @ NAULESH PASWAN R/O
MOHALLA- GANDHI NAGAR, P.S- MOFASSIL, GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar, Advocate

For the Opposite Party/s : Mr.Ram Naresh Ray, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Mufassil P.S. Case No. 165 of 2021 registered for the offences punishable under Sections 147, 148, 149, 307 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, petitioner alongwith 17 others named persons belonging to one group and some others unknown persons of another group armed with firearms fired at one another and created an atmosphere of fear and terror. During investigation, some empty shells of the cartridges were recovered by the police.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged



in the FIR and he has falsely been implicated in this case. He further submits that co-accused Vikram Paswan @ Vikram Kumar and Santu Kumar have already been anticipatory bail by the Co-ordinate Bench of this Court vide Cr. Misc. No. 59406 of 2022 and 38820 of 2023 respectively and the case of present petitioner is identically same as there is no specific allegation of either assault or firing upon anybody against the petitioner in this case and no person has received any injury in this case. So, no case is made out against the petitioner under Section 307 of the I.P.C. He further submits that petitioner has neither been seen on the spot nor he has been arrested on the spot. He further submits that neither any incriminating article nor any arms has been recovered from the conscious possession of the petitioner or from his house. He further submits that petitioner has never been made accused prior to the present case but after institution of the present case he has been made accused in four cases in which he is on bail, as mentioned in Para 3 of the bail petition.

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

6. Considering the facts and circumstances of the case, co-accused have already been granted bail by the Co-ordinate Bench of this Court, petitioner has never been made



accused prior to the present case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned C.J.M., Gaya in connection with Muffasil P.S. Case No. 165 of 2021, 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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