

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48337 of 2024

Arising Out of PS. Case No.-122 Year-2022 Thana- MADHWAPUR District- Madhubani

1. Aman Paswan @ Aman Kumar Son of Nabbu Paswan Resident of Vill- Bhairba Gadamtol (Balwa Ward No.4), P.S.- Madhwapur, District- Madhubani.
2. Nabbu Paswan Son of Late Chalitar Paswan Resident of Vill- Bhairba Gadamtol (Balwa Ward No.4), P.S.- Madhwapur, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjit Kumar Thakur, Advocate
For the State	:	Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-08-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Madhwapur P.S. Case No. 122 of 2022 for the offence under sections 188, 341, 323, 337, 325, 354-B, 379, 504 and 34 of the I.P.C. lodged on 28.08.2022D by the informant, Dayanand Yadav.

3. As per the prosecution story, the informant alleged that while he was moving towards agriculture land, the accused came and put towel round his neck and tried to strangle, further allegation is of removal of gold chain and outraging the modesty of his wife, accordingly, the



F.I.R.

4. Learned counsel for the petitioner submits that exaggerated F.I.R. has been lodged after delay of three days and the delay has not been recorded in the F.I.R. Further, the allegation of strangulation is against petitioner no.1, Aman Paswan while omnibus allegation against the accused persons are of assaulting. The last submission is they do not have criminal antecedent.

5. Learned APP opposes the prayer submitting that so far as petitioner no.1 is concerned, there is allegation of putting towel along with Amar Paswan around the neck of the informant and the learned Sessions Judge order corroborates injury on the neck.

6. Taking into account the allegation that has come against the petitioner no.1, Aman Paswan @ Aman Kumar, the anticipatory bail stands rejected and if he surrenders and prays for bail in next four weeks, the court shall take up the matter and dispose it of preferably on the same day.

7. So far as the petitioner no. 2, Nabbu Paswan is concerned, though allegation is there, it is omnibus in nature and he do not have criminal antecedent, this Court is



inclined to extend him the privilege of anticipatory bail with conditions.

8. Let the petitioner no. 2, Nabbu Paswan be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Benipatti, in connection with Madhwapur P.S. Case No. 122 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner no. 2, Nabbu Paswan who shall provide official document to show his/her bona fide;

(ii) the petitioner no. 2, Nabbu Paswan shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner no. 2, Nabbu Paswan shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner no. 2, Nabbu Paswan shall in no



way try to induce or promise or threat the witnesses or
tamper with the evidences, failing which the State shall be at
liberty to take steps for cancellation of the bail bonds;

(v) the petitioner no. 2, Nabbu Paswan shall desist
from committing any criminal offence again, failing which
the State shall be at liberty to take steps for cancellation of
his bail bonds.

(Rajiv Roy, J)

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