

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51072 of 2024

Arising Out of PS. Case No.-130 Year-2024 Thana- BIRAUL District- Darbhanga

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Tulsi Paswan @ Tulshi Paswan, aged about 30 years, Male, S/o Ram Narayan Paswan, R/o vill - Hati, P.S. - Biroul, Distt. - Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Dr Abdus Shakoor, Advocate

For the Opposite Party : Mr. Narendra Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 01-08-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Biraul P.S. Case No. 130 of 2024 dated 27.03.2024 registered for the offences punishable under Sections 147, 148, 149, 120B, 186, 188, 341, 342, 323, 324, 325, 332, 333, 353, 307,337, 354(Kha), 504 and 506 of the I.P.C.

3. As per the prosecution case, the informant got an information that a motorcycle was coming rashly and negligently from K. Asthan side and dashed with Tempo. At the same time, a prisoner's van was coming from the opposite side



due to which, one person came under the said van and died on the spot. The petitioner and the co-accused Dharmendra Singh are alleged to have instigated the 100-200 persons to enter the police station premises with intent to commit incident and about 50 people entered the police station premises and threw the chairs and government documents outside the police station and some people were holding inflammable substance in their hands and sound was come from the crowd to burn the police station. The petitioner and the co-accused persons were identified through the video footage with the help of *Mahal Chaukidar*. The petitioner is alleged to have abused, attacked the police party and also assaulted them with lathi and danda causing hindrance in discharging duties of public servant.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that after conducting postmortem of the deceased, the doctor has found injuries were ante-mortem in nature and were caused by hard and blunt substance and was consistent with the police inquest report. The cause of death is due to laceration of brain and cessation of all vital functions of brain. The petitioner is the elder brother of the deceased. The petitioner is alleged to be a member of the mob. There is no



specific overt act alleged against the petitioner. There is general and omnibus allegation against the petitioner. No incriminating article has been recovered from the possession of the petitioner. When the petitioner's younger brother died in a road accident by the prisoner's van, the petitioner went to the police station premises to see his brother and some co-villagers of the petitioner also came there to see the dead body of the petitioner's brother became noise with the police force, then the petitioner was arrested by the police. The petitioner has neither concern with the alleged occurrence nor the deceased. The other co-accused person Dharmendra Singh has already been granted bail by a Bench of this Court vide Cr. Misc. No. 36947 of 2024 under order dated 15.05.2024. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 28.03.2024.

5.Learned A.P.P. for the State has opposed the prayer for bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Biraul, Darbhanga in connection with



Biraul P.S. Case No. 130 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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