

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69760 of 2024

Arising Out of PS. Case No.-116 Year-2023 Thana- DEEPNAGAR District- Nalanda

Karu Paswan @ Rahul Kumar, Male, aged about 19 years, Son of Late Pramod Paswan, R/o Village- Kalyanpur, P.S.- Deepnagar, District- Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Suraj Kumar, Advocate

For the Opposite Party : Mr. Md. Aslam Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Deepnagar P.S. Case No. 116 of 2023 dated 09.03.2023 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 379, 504, 506 of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have abused the informant and the co-accused persons Hareram Paswan and Nitish Kumar assaulted the informant's sons with iron rod on their head due to which they got severely injured. When the other son of the informant came to rescue his brothers, the co-accused Mahendra



Paswan assaulted on his head with country made pistol causing injury on his head. Thereafter, the petitioner snatched a golden chain from the informant's neck and threatened to kill her. On hulla, all the family members of the informant came to rescue on which all the accused persons assaulted them with iron rod causing injuries to them. It is further alleged that the co-accused persons, Avinash Paswan and Shivam Paswan fired from a country made pistol and threatened to kill them.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the petitioner has no concern with the alleged offence. He was not present on the alleged date and time of occurrence. There is general and omnibus allegation against the petitioner. No specific overt act is alleged against him. The only allegation against the petitioner is that he snatched golden chain of the informant which is just an ornamental in nature. No incriminating article has been recovered from his possession. It is further submitted that earlier Nalanda SC/ST P.S. Case No. 16 of 2023 was lodged from the petitioner's side for the offences punishable under Sections 341, 323, 504, 448 read with Section 34 of the I.P.C. and Sections 3(1)(s), 3 (2)(va) of the SC/ST Act and to save their skin from



that case, the present false case has been lodged against the petitioner. It is further submitted that the other co-accused persons Ishwar Paswan and Shivam Paswan have already been granted anticipatory bail by a Bench of this Court vide Cr. Misc. No. 60544 of 2023 under order dated 14.12.2023, annexed as Annexure-P/2 to the present bail application. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

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

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Biharshariff, Nalanda in connection with Deepnagar P.S. Case No. 116 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

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(Chandra Prakash Singh, J)

