

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75527 of 2024

Arising Out of PS. Case No.-151 Year-2024 Thana- BARIYARPUR District- Munger

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Brajesh Paswan Son of Raghunath Paswan @ Raghunath Arya Resident of
Village- Ghorghat, P.S.- Bariyarpur, District -Munger Petitioner/s
Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Arpana Kumari, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

2 22-11-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Bariyarpur P.S. Case No. 151 of 2024 for the offence under Sections 109, 352, 3(5) of the BNS and Section 27 of the Arms Act lodged on 16.07.2024 by the informant, Ankush Kumar Arya.

3. As per the prosecution story, the informant alleged that all the accused persons including the present petitioner have abused him and on their instigation one co-accused person namely Santosh Paswan has fired upon him, but the bullet passed besides his ears. He further alleged that earlier an attempt was also made by the co-accused person namely Santosh Paswan to kill him.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case, both the parties have admitted land disputes as they are agnates and the present case is lodged only for harassing the petitioner. He further submits that the other co-accused persons have been granted bail by the District Court.

5. Learned APP opposes the prayer for bail.

6. From perusal of the F.I.R. it appears that there is no specific allegation of assault against the present petitioner, this is case of no injury. As per the allegation petitioner was only present with other co-accused persons at the place of occurrence. As per the F.I.R. the entire allegation and occurrence took place due to partition of land as they are agnates. Keeping in view the aforesaid facts, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner 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) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate-1st class, Munger, in connection with Bariyarpur P.S. Case No. 151 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(i) one of the bailor should be the family



member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner 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 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;

(iv) the petitioner 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.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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