

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78540 of 2024

Arising Out of PS. Case No.-88 Year-2024 Thana- NALANDA District- Nalanda

1. Siya Paswan @ Siya Saran Paswan son of Late Chhotan Paswan @ Late Chotan Yadav Resident of village- Mirchaiganj, Ps and dist- Nalanda
2. Sujeet Paswan son of Siya Paswan @ Siya Saran Paswan Resident of village- Mirchaiganj, Ps and dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabindra Prasad Singh, Advocate

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 29-11-2024 Heard learned counsel for the petitioners and
learned APP for the State.

2. The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Nalanda P.S. Case no. 88 of 2024 instituted for the offence under Sections 457 and 380 of the Indian Penal Code.

3. The case of the prosecution, in brief, is that the petitioners entered into the house of the informant at the dead of the night for the purpose of committing theft. The informant caught Sujit Paswan then Siya Paswan started assaulting him and when the members of the house came there, Siwa Paswan



ordered to kill. On this Sujit Paswan fired which did not hit the informant. After this, the petitioners tried to flee away. It is also stated in the FIR that the informant caught Sujit Paswan, also called police and Sujit Paswan was handed over to police. It is further alleged that when the informant enquired from his house, he came to know that some valuable items and cash were stolen by the petitioners.

4. Learned counsel for the petitioners has submitted that petitioners are innocent and have falsely been implicated in connection with the present case. During the course of the argument, learned counsel for the petitioners submits that petitioner no.2, Sujit Paswan is a labourer and when he demanded wages, he was being assaulted for which he has also filed a case which is annexure-3 to the petition.

5. Learned APP appearing for the State opposed the prayer of bail of the petitioners stating that the petitioners have one criminal antecedent.

6. It is a very peculiar case, in which the story of the prosecution is that one of the petitioner was caught by the informant and was handed over to police. From a bare perusal of the order of the trial Court, it is clear that the police has not been able to show as to how the petitioner, Sujit Paswan escaped



from the custody and it is an anticipatory bail. It means Sujit Paswan was not apprehended at all. At this Juncture, the defence of the petitioners seems plausible.

7. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Nalanda P.S. Case no. 88 of 2024, they will be enlarged on 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 Chief Judicial Magistrate, Nalanda at Biharsharif, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Ashok Kumar Pandey, J)

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