

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6661 of 2024

Arising Out of PS. Case No.-159 Year-2022 Thana- ASHTHAWAN District- Nalanda

1. RAM BALI PASWAN SON OF LATE KESHO PASWAN Resident of Village - Mohani, P.S. - Ashthawan, District - Nalanda
2. SUGO PASWAN SON OF LATE KESHO PASWAN Resident of Village - Mohani, P.S. - Ashthawan, District - Nalanda
3. INDRA SEN KUMAR @ INDRASAN PASWAN SON OF RAM BALI PASWAN Resident of Village - Mohani, P.S. - Ashthawan, District - Nalanda
4. NAGMANI PASWAN @ NAGBANSHI KUMAR SON OF RAM BALI PASWAN Resident of Village - Mohani, P.S. - Ashthawan, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar, Advocate
		Ms. Sonam Kumari, Advocate
For the Opposite Party/s	:	Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 17-02-2024 Heard Ld. counsel for the Petitioners and Ld. APP
for the State.

2. The Petitioners apprehend their arrest, in connection with Ashthawan P.S. Case No. 159 of 2022, dated 19.07.2022, registered for the offences punishable under Sections 147, 148, 149, 153, 153A, 109, 186, 188, 295A, 353, 341, 342, 323, 325, 307, 337, 338, 504, 506, 120(B) of the Indian Penal Code.

3. The prosecution case as emerges from the FIR is that 31 FIR named accused including the Petitioner and 100



unknown persons were forcibly constructing a wall over Gairmajarua land and after seeing the police party the mob became aggressive and started pelting stones on the police.

4. Ld. counsel for the Petitioners submits that the Petitioners are innocent and have falsely been implicated in this case. He further submits that there is no specific allegation against these Petitioners. He also submits that the allegation against these Petitioners is general and omnibus in nature. He further submits that similarly situated co-accused person, Babuchand Paswan has been enlarged on bail vide order dated 04.04.2023 passed in Criminal Miscellaneous No. 71218 of 2022, and Vikash Kumar, Pashuram Paswan, Parakhi Paswan, Anirudh Kumar, Dinesh Paswan, Adhin Paswan have been enlarged on bail vide order dated 29.04.2023 passed in Criminal Miscellaneous No 73111 of 2022 by co-ordinate Bench of this court.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It is also stated in paragraph no. 3 of the bail petition that the Petitioner no.3 has been made accused in one other case whereas Petitioner No.1, 2 and 4 have no criminal



antecedents.

7. However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

8. Considering the aforesaid facts and circumstances, this application is allowed, directing the Petitioners, above-named, to be enlarged on bail in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate Nalanda at Bihar Sharif, in connection Ashthawan P.S. Case No. 159 of 2022, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and the following conditions:

(i) In case, it is brought to the notice of the court below that the Petitioners have given wrong statement regarding his criminal antecedents, Ld. court below shall cancel the bail bond of the Petitioners after hearing them and getting satisfied that the Petitioners have concealed their criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong,



Ld. court below shall cancel the bail bond of the Petitioners.

9. Ld. counsel for the Petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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