

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86601 of 2023

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

1. Ramdeo Paswan Son Of Late Ganeshi Paswan Resident Of Village- Mohani, Ps- Asthawan, Dist- Nalanda
2. Anil Paswan Son Of Lat Ganeshi Paswan Resident Of Village- Mohani, Ps- Asthawan, Dist- Nalanda
3. Sunil Paswan Son Of Nande Paswan Resident Of Village- Mohani, Ps- Asthawan, Dist- Nalanda
4. Indal Paswan Son Of Laxman Paswan Resident Of Village- Mohani, Ps- Asthawan, Dist- Nalanda
5. Chando Paswan Son Of Late Lakhan Paswan Resident Of Village- Mohani, Ps- Asthawan, Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate
For the Opposite Party/s : Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Asthawan P.S. Case No. 159 of 2022 dated 31.05.2022 instituted
for the offence punishable under Sections 147, 148, 149, 153,
153(a), 109, 186, 188, 295(A), 353, 341, 342, 323, 325, 307,
337, 338, 504, 506, 120B of the Indian Penal Code.

3. The prosecution case, in short, is that on
30.05.2022 at about 09.10 pm, 31 named persons (including



petitioners) and 100 unknown persons were involved in the unlawful construction on one acre fifteen decimal Gairmajarua Malik land, which was used as *Kabristan*. On getting the information, the police party reached there. It is alleged that on seeing the police party, the mob became aggressive and started pelting stones on police party, due to which chaukidar, namely, Rajesh Paswan sustained grievous injury.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that petitioners are named in the F.I.R. Learned counsel for the petitioner submits that there is no specific allegation against the petitioner, rather, the allegations against the petitioners are general and omnibus. Learned counsel for the petitioners further submits that similarly situated named accused persons have been granted bail by different co-ordinate benches of this court vide order dated 29.04.2023 and 04.04.2023 passed in Criminal Miscellaneous No. 73111 of 2022 and Criminal Miscellaneous no. 71218 of 2022 respectively. Lastly, it has been submitted that petitioners have no criminal antecedents.

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



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Asthawan P.S. Case No. 159 of 2022, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Nalanda at Biharsharif subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

premchand/-

U		T	
---	--	---	--

