

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5064 of 2025

Arising Out of PS. Case No.-39 Year-2024 Thana- Chhaudahi District- Begusarai

1. Shyam Sundar Kumar @ Ram Sundar Kumar @ Shyam Sundar Paswan S/O Ram Sevak Paswan Resident of Village Lakhanpatti, P.S. Chhourahi District Begusarai (Bihar).
2. Vashisth Kumar @ Wasid Paswan @ Vashisth Paswan Son of Ram Sevak Paswan Resident of Village Lakhanpatti, P.S. Chhourahi District Begusarai (Bihar).
3. Lakshmi Kumari Daughter of of Ram Sevak Paswan Resident of Village Lakhanpatti, P.S. Chhourahi District Begusarai (Bihar).
4. Nirmala Devi @ Urmila Devi Wife of Ram Sevak Paswan Resident of Village Lakhanpatti, P.S. Chhourahi District Begusarai (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhubneshwar Mahto, Advocate

For the Opposite Party/s : Mr.Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-02-2025 Heard Mr.Bhubneshwar Mahto, learned counsel for the petitioners and Mr.Upendra Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Chhourahi P.S.Case No.39 of 2024, FIR dated 16.05.2024 registered for the offences punishable under Sections 341,323,307,353,332,504/34 of the Indian Penal Code.

3. Allegation against the petitioners is that they alongwith other co-accused persons assaulted the police personnel attacked with bricks and stone while discharging their official duty.



4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR and co-accused person, namely, Ram Sewak Paswan has lodged a case against the Mukhiya, B.P.R.O., Panchayat Sachiv and Ex-Mukhiya bearing complaint Case No.877C of 2023 and due to this reason, at the instance of the Mukhiya, the present FIR has been instituted against Ram Sewak Paswan and other persons including the petitioners. From a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, petitioners have clean antecedent, there is no specific allegation of any assault or overt-act against the petitioners and the present FIR has been instituted at the instance of the Mukhiya, let the petitioners,



above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand)each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Manjhaul, Begusarai in connection with Chhourahi P.S.Case No.39 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2)of BNSS, 2023 and with other following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for



cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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