

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12599 of 2025

Arising Out of PS. Case No.-398 Year-2023 Thana- DALSINGHSARAI District- Samastipur

1. Abhyash Kumar Paswan @ Rawan @ Abhyas Kumar Paswan S/O Devraj Paswan, resident of Village- Bhatgama Ward No. 27, Nagar Parishad, Dalsinghsarai, P.S.- Dalsinghsarai, Distt.- Samastipur
2. Mannu Kumar Paswan @ Abhimanu Kumar Paswan @ Abhimanu Kumar S/O Devraj Paswan, resident of Village- Bhatgama Ward No. 27, Nagar Parishad, Dalsinghsarai, P.S.- Dalsinghsarai, Distt.- Samastipur
3. Rajan Kumar Mahto @ Sundram Kumar S/O Ram Kumar Mahto @ Sajan Mahto, resident of Village- Bhatgama Ward No. 27, Nagar Parishad, Dalsinghsarai, P.S.- Dalsinghsarai, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Choudhary Shyam Nandan, Advocate
For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 02-04-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Dalsingsarai P.S. Case No. 398 of 2023 dated 07.10.2023
instituted for the offence punishable under Sections 452, 380 of
the Indian Penal Code.

3. The prosecution case, in short, is that when the
informant returned to his house, he found that all the locks and
lock of almirah were broken and articles were scattered.
Thereafter, he came to know that Rs. 4,25,000/-, fixed deposit



certificate of LIC and post-office, papers of land etc. were missing. It is also alleged that robbery has also been committed in the houses of informant's brothers. It is alleged that the petitioners along with other accused persons took away the articles from the house of the informant and his brothers.

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 FIR has been lodged against the 11 named and 10 unknown accused persons. The petitioners are named accused persons. Only on the basis of suspicion, the petitioners have been made accused in this case. Nothing has been recovered from the house of the petitioners. Due to old enmity, the FIR has been lodged against the petitioners. Learned counsel for the petitioners further submits that earlier, co-accused Mohan Mahto has lodged a case against the informant. Thereafter the informant has arrested and sent to jail. After released, the informant has lodged the present case. Lastly, it has been submitted that petitioner no. 1 has five criminal case against him, petitioner no. 2 has two criminal cases against him and petitioner no. 3 has three criminal cases against him. All the FIR has been lodged either by the informant or his family members.



5. On the other hand, learned A.P.P. for the State 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 Dalsingsarai P.S. Case No. 398 of 2023, they will be released on 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 Additional Chief Judicial Magistrate, Dalsinghsarai subject to condition as laid down under Section 438(2) of the Cr.P.C. as well as the 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 on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

II. One of the bailors will be their own blood relation, preferably father, mother, brother, sister and or their wife.

III. The bailor shall also state on affidavit that they will inform the court concerned if the petitioners



are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. 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.

(Khatim Reza, J)

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