

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15810 of 2025

Arising Out of PS. Case No.-130 Year-2018 Thana- MANPUR District- Nalanda

Pawan Paswan S/O Rajo Paswan R/O Village - Gongaripar, P.S- Manpur,
District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-04-2025 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 332, 353, 290, 292 and 307 of the Indian Penal Code as well as Section 27 of the Arms Act.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that firing was resorted to by villagers of village Gogari and Chhabilapur, accordingly, the informant along with the police force reached the place of occurrence and tried to stop the firing. Further, accused fled taking advantage of darkness but fifteen named accused persons were identified by the Chawkidar in torch light while eight unknown accused persons also fled.

4. Learned counsel for the petitioner submits that



petitioner is named in the FIR. It is further submitted that it does not appear probable that in torch light the Chawkidar would have identified fifteen named accused persons when the informant himself in the FIR alleges that the accused persons taking advantage of darkness fled from the place of occurrence. It is next submitted that though there is allegation of firing but then no one was injured nor any fired cartridges were recovered from the place of occurrence or else the same would have been recorded in the FIR. It is also submitted that petitioner was completely unaware that he has been implicated in the instant case by the informant. It is submitted that recently the police knocked the door of the petitioner when he came to know about his implication in the instant case and, thus, approached the learned District Court seeking anticipatory bail which came to be rejected.

5. Learned counsel further submits that no doubt the case is of the year 2018 but then till date neither non-bailable warrant of arrest nor process under Sections 82 and 83 Cr.P.C. has been issued which amply demonstrates that even the police was not interested in investigating the case.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that though it has been submitted that neither non-bailable warrant of arrest nor process under Sections 82 and 83 Cr.P.C. has been issued but then



the same has not been pleaded in the anticipatory bail application.

7. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Manpur P.S. Case No. 130 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the learned trial court before accepting the bail bonds of the petitioner shall verify whether any non-bailable warrant of arrest or process under Sections 82 and 83 Cr.P.C. has been issued against the petitioner or not and if it is found that non-bailable warrant of arrest or process under Sections 82 and 83 Cr.P.C. has been issued in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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