

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26353 of 2025

Arising Out of PS. Case No.-143 Year-2024 Thana- SUPPI District- Sitamarhi

1. Parshuram Paswan Son of Baskit Paswan Resident of Village - Mohni Mandal, Vishun Singh Tola, P.S. - Suppi, District - Sitamarhi
2. Sewak Paswan @ Ram Sewak Paswan @ Ramsevak Paswan Son of Dhyanchandra Paswan @ Dharmchand Paswan Resident of Village - Mohni Mandal, Vishun Singh Tola, P.S. - Suppi, District - Sitamarhi
3. Jinish Paswan @ Jinis Paswan Son of Baskit Paswan Resident of Village - Mohni Mandal, Vishun Singh Tola, P.S. - Suppi, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subodh Kumar, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-05-2025 Heard Mr. Subodh Kumar, learned counsel for the petitioners and Mr. Vinod Shanker Modi, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Suppi P.S. Case No. 143 of 2024, F.I.R. dated 22.08.2024 registered for the offences punishable under Sections 191(2), 190, 115(2), 109, 121(1), 125(b), 132, 78, 352, 3(5) of the B.N.S., 2023.

3. Allegation against the petitioner is that they along with other co-accused persons caused hindrance in official duty of the informant and other police officials while they were on



official duty for removal of encroachment. It is further alleged that they also assaulted over the police team with stones, bricks and misbehaved and caused injuries to police personals.

4. Learned counsel for the petitioners submits that the petitioner nos. 2 and 3 having clean antecedents and petitioner no. 1 carries one more case other than the present one in which he is on bail in the pending matter and they have been falsely implicated in the present case. He further submits that as per allegation in the F.I.R. that the petitioners and other co-accused persons caused hindrance in official duty of the informant and other police officials and they have also assaulted by means of brick batting etc. during removal of encroachment in question. Learned counsel for the petitioners further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. Although the petitioners are named in the F.I.R. but there is no specific allegation of any assault or overt act against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances



of the case and the fact that the petitioner nos. 2 and 3 having clean antecedents and petitioner no. 1 carries one more case other than the present one in which he is on bail as well as there is no specific allegation of any assault or overt attributed against these petitioners and also there is no injury report on record which suggests that the informant's side have received injury, 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class-cum-Additional Munsif, Sitamarhi in connection with Suppi P.S. Case No. 143 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 :-

(1) 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.



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

(3) 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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