

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45317 of 2025

Arising Out of PS. Case No.-171 Year-2020 Thana- KAKO District- Jehanabad

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1. Surjan Paswan @ Suraj Paswan S/O Late Hiranman Paswan R/O Village- Kako, P.S- Kako, Distt.- Jehanabad.
 2. Dilchand Paswan @ Dilchan Paswan S/O Surjan Paswa @ Suraj Paswan R/O Village- Kako, P.S- Kako, Distt.- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXX W/O YYY R/O Village and P.S- ZZZ, Distt.- Jehanabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar, Advocate
For the State	:	Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 16-07-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail, apprehending their arrest, in connection with Kako P.S. Case No. 171 of 2020, dated 21.08.2020, registered for the offences punishable under Sections 147, 149, 341, 323, 324, 325, 326, 354, 307, 504 and 506 of the Indian Penal Code and Section 8 of POCSO Act.

3. As per allegation, co-accused Yogendra Paswan and Shailesh Paswan were, in the state of intoxication, started misbehaving with the daughter of the informant and when the mother of the informant reached the place of occurrence, she was beaten by these accused-petitioners along with other co-



accused in different ways.

4. Ld. counsel for the petitioners submits that the Petitioners are innocent and have falsely been implicated in this case. He further submits that after investigation, both the petitioners herein, were exonerated by the police. However, learned Judicial Magistrate differing with the opinion of the police, took cognizance of the offence against these petitioners. Hence, the present petitioners are before this Court for anticipatory bail.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner No.1 had one criminal antecedent but he has already been acquitted in that case. Presently the petitioner no.1 has clean antecedent and petitioner no.2 has also clean antecedent.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioners for bail.

8. Considering the fact that petitioners were exonerated by the police after investigation, **this petition is allowed**, directing the petitioners, above-named, to be enlarged



on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned concerned Court below, in connection with Kako P.S. Case No. 171 of 2020, subject to the conditions as laid down under Section 482 (2) B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedent, learned court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J.)

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