

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43739 of 2025

Arising Out of PS. Case No.-106 Year-2024 Thana- INDUSTRIAL AREA District- Vaishali

1. Dharmendra Paswan @ Dhamendra Paswan Son of Dina Paswan R/O Village - Sultanpur, P.S.- Industrial Area, District - Vaishali
2. Mithun Kumar @ Mithun Paswan Son of Haredayal Paswan R/O Village - Sultanpur, P.S.- Industrial Area, District - Vaishali
3. Shivam Kumar @ Shivam Paswan Son of Lakshmi Paswan R/O Village - Sultanpur, P.S.- Industrial Area, District - Vaishali
4. Ajay Kumar @ Ajay Paswan Son of Dayanand Paswan R/O Village - Sultanpur, P.S.- Industrial Area, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravish Mishra, Advocate
For the Opposite Party/s : Mr.Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

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

2. The petitioners who apprehen arrest in connection with Industrial Area P.S. Case No. 106/2024 lodged on 23.08.2024, for the offences punishable under sections 191(2), 190, 115, 132,352 and 351(2) of the Bharatiya Nyaya Sanhita, 2023.

3. It is alleged against the petitioners and 20 other accused persons that they, being part of an unlawful assembly, blocked the road by placing trees, thereby obstructing the vehicle carrying the question papers for the Bihar Police



Examination. When asked to remove the blockade, they refused, which caused disruption in the conduct of the examination.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. They have been falsely implicated in the present case, which is entirely false and concocted. The allegations levelled against them are general and omnibus in nature. In fact, the petitioners had no role in the alleged incident and did not cause any nuisance in connection with the road blockade. Petitioner Nos. 1 and 2 are accused in one other criminal case, whereas the antecedents of Petitioner Nos. 3 and 4 are clean. Learned counsel further submits that all the offences mentioned in the FIR are bailable, except for those under Sections 191(2) and 190 of the B.N.S., 2023.

5. Learned APP for the State opposes the prayer for bail and submits that the allegation is specific in the F.I.R.

6. Considering their clean criminal antecedents, let petitioner Nos. 3 and 4, above named, be released on bail, in the event of their arrest or surrender before the Trial Court within a period of four weeks from today, on furnishing bail bond of ₹30,000/- (Rupees Thirty Thousand only) each, as mentioned in Section 2(1)(d) of the *Bharatiya Nagrik Suraksha Sanhita*,



2023, to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Industrial Area P.S. Case No. 106/2024, subject to the conditions as laid down under Section 482(2) of the *Bharatiya Nagrik Suraksha Sanhita, 2023*.

7. So far as petitioner Nos. 1 and 2 are concerned, since their criminal antecedents are not clean, this Court is not inclined to grant them the privilege of anticipatory bail. Accordingly, their prayer for anticipatory bail is hereby rejected.

8. However, if the said petitioners surrender before the Trial Court within a period of six weeks from today, the Trial Court is directed to consider and dispose of their surrender-cum-bail application on the same day, without being prejudiced by the fact that their anticipatory bail has been rejected by this Court.

(Dr. Anshuman, J)

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