

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55771 of 2025

Arising Out of PS. Case No.-215 Year-2024 Thana- KATIHAR MUFFASIL District- Katihar

1. Mohan Kumar Paswan S/o Bhagiran Paswan Resident of Village - Udamarekha, P.S. - Muffasil, District - Katihar
2. Mahesh Ray @ Mahesh Rai @ Mahesh Kumar S/o Late Jimadar Rai @ Jeemdar Rai R/o Vill- Udamarekha, P.S.- Muffasil, Distt- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Jha, Adv.

For the Opposite Party/s : Mr.Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 27-08-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. Petitioners are apprehending arrest in connection with Katihar Muffasil P.S. Case No. 215 of 2024 registered for the offences punishable under Sections 126(2), 127(2), 115(2), 121(1), 132, 223, 140(3), 324(1)(3)(5), 303(2), 352, 351(2), 3 (5) of Bhartiya Nyay Sanhita, 2023.

3. As per prosecution case, the container in question was under the surveillance of the police as certain incident had occurred by the container as a result of which motorcycle bearing Reg. No. GJ-21Y-3370 got damaged. In retaliation of the said damage, the container in question was



surrounded by petitioners and other alongwith 40-50 unknown persons. It is alleged that all the accused persons damaged the container in question and assaulted the police.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the first information report and they have been falsely implicated in this case. Learned counsel submits that allegations are general and omnibus in nature and no specific overt act of assault is alleged against the present petitioners. As a matter of fact, the driver of the container had hit a person riding motorcycle and the local persons were demanding compensation. Learned counsel for the petitioners submits that co-accused persons having similar and identical allegations have already been granted anticipatory bail by a co-ordinate Bench of this Court in Cr. Misc. Nos. 17469 of 2025 and 17803 of 2025 and on the principle of parity, petitioners deserve the same treatment. Petitioners bear no criminal antecedent.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioners and submits that petitioners have participated and their role cannot be ruled out in committing the said occurrence.

6. Considering the facts and circumstances of the



case, keeping in view clean antecedent of petitioners, co-accused persons have already been granted anticipatory bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners, above named, in the event of arrest or surrender within a period of six weeks from today, be released on anticipatory 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 Chief Judicial Magistrate, Katihar in connection with Katihar Mufassil P.S. Case No. 215 of 2024, subject to the conditions as laid down under section 482(2) of the B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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