

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60731 of 2025

Arising Out of PS. Case No.-176 Year-2025 Thana- RAJAPAKAR District- Vaishali

1. Mithun Kumar @ Mintu @ Mintu Kumar @ Muthun Kumar son of Sakaldeep Paswan @ Hero Paswan village- Bahuara, Ps- Rajapakar (Baranti) Dist- Vaishali
2. Sakaldeep Paswan @ Hero Paswan @ Hero son of Late Rit Lal Paswan village- Bahuara, Ps- Rajapakar (Baranti) Dist- Vaishali
3. Rinku Devi Wife of Sakaldeep Paswan @ Hero Paswan village- Bahuara, Ps- Rajapakar (Baranti) Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-09-2025 Heard Mr. Akash Kumar Mishra, learned counsel for the petitioners and Mr. Md. Matloob Rab, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Rajapakar P.S. Case No. 176 of 2025, F.I.R. dated 22.05.2025 for the offences punishable under Sections 191(2), 191(3), 190, 126, 115(2), 132, 121(1), 121(2), 324, 352, 351(2) of Bharatiya Nyay Sanhita, 2023.

3. According to prosecution case, the informant alleged that when he along with other police personnel were taking one Dr. Jawala and his family for treatment, in the meantime, 11 named



accused and 20-25 unknown persons surrounded the vehicle and attacked them and pelted bricks, stone and *lathi-danda* on the police vehicle due to which the vehicle was damaged and 3-4 police personnel got injured.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. From bare perusal of the FIR it appears that although the petitioners are named in the FIR but there is no specific allegation of assault or overt act against them rather the allegation levelled against all the accused persons including the petitioners are general and omnibus.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that petitioner no.3 has clean antecedent and petitioner nos.1 and 2 carry one criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances and the fact that there is no specific allegation of assault or overt act against the petitioners, let the petitioners, above named, in the event of 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/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the



learned Judicial Magistrate-1st Class, Vaishali at Hajipur in connection with Rajapakar P.S. Case No. 176 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. 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 bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. 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 antecedent, 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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