

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67910 of 2024

Arising Out of PS. Case No.-95 Year-2024 Thana- BASANHI District- Saharsa

1. Shivendra Paswan @ Shivendra Kumar Son of Late Baleshwar Paswan, R/O Vill.- Garori Tola, Ward no. 7, P.S.- Basnahi, Dist.- Saharsa.
2. Sindhu Paswan @ Sindhu Kumar Son of Birendra Paswan R/O Vill.- Garori Tola, Ward no. 7, P.S.- Basnahi, Dist.- Saharsa.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Kanchan Singh, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-01-2025 Heard Mr. Kanchan Singh, the learned counsel for the petitioners and Mr. Md. Mushtaque Alam, the learned Additional Public Prosecutor for the State.

2. After some arguments, learned counsel for the petitioners seek permission to withdraw the anticipatory bail application with respect to petitioner no. 1 namely, Shivendra Paswan @ Shivendra Kumar.

3. Permission, as prayed for, is accorded.

4. Accordingly, the anticipatory bail application with respect to petitioner no. 1, namely, Shivendra Paswan @ Shivendra Kumar is dismissed as withdrawn. Now, this application survives only for petitioner no. 2 namely, Sindhu



Paswan @ Sindhu Kumar.

5. The petitioner is apprehending his arrest in connection with Basnahi PS Case No. 95 of 2024, FIR dated 24.05.2024, registered for the offences punishable under Sections 341, 323, 325, 307, 447, 504 and 506 read with Section 34 of the Indian Penal Code.

6. According to the prosecution case, the co-accused persons, variously armed, assaulted the informant and her father.

7. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that although petitioner is named in the FIR, but, from bare perusal of the FIR it appears that there is no specific allegation of any assault or overt act attributed against the petitioner, rather there is general and omnibus allegation against the petitioner. He lastly submits that there is case and counter case between the parties and the specific allegation of assault is attributed against co-accused person Shivendra Paswan @ Shivendra Kumar.

8. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

9. Considering the aforesaid facts and circumstances



and mainly the facts that petitioner has clean antecedent and there is no specific allegation of any assault or overt act attributed against the petitioner, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Saharsa, where the case is pending in connection with **Basnahi PS Case No. 95 of 2024**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. / Section 482(2) of the BNSS, 2023 and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner 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 learned trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner. 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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