

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72207 of 2024

Arising Out of PS. Case No.-33 Year-2023 Thana- BAHERI District- Darbhanga

Santosh Kumar Paswan @ Santosh Paswan Son of Bhola Paswan Resident of
Village- Basha, P.S.- Babubarhi, District- Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Mr.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 12-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Baheri P.S. Case No. 33 of 2023 registered for the offences punishable under Sections 420, 406, 413, 414/34 of the Indian Penal Code.

3. As per prosecution case, informant gave rupees eleven thousand to co-accused Raja Sah for getting Radha Krishna Murti made of Ashtadhatu but neither the said idol was given to informant nor was money returned to him. It is further alleged that co-accused Ganesh Sah and Umesh Kumar Das have also participated in the said occurrence. Hence, FIR has been registered against the three persons.

4. Learned counsel for the petitioner submits that



petitioner is not named in the FIR and during course of investigation, co-accused Ganesh Sah was arrested and confessed before the police that in October 2022, petitioner had given a Murti to him for selling it at the cost of rupees one lakh and assured to give rupees twenty thousand to him. Except the aforesaid disclosure of co-accused Ganesh Sah, there is nothing on record to connect the present petitioner with the alleged occurrence. Apart from this, petitioner has no criminal antecedent. He further submits that petitioner is quite innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner has no role as per version of the prosecution story. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioner.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be



released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VII, Darbhanga in connection with Baheri P.S. Case No. 33 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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