

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89758 of 2024

Arising Out of PS. Case No.-372 Year-2024 Thana- NOORSARAI District- Nalanda

1. Billa Paswan, Son of Baudhu Paswan, Resident of Village- Gotiya, P.S.- Asthawan, Distt.- Nalanda
2. Sheru Paswan @ Sheru Kumar, Son of Vijay Paswan, Resident of Village- Heganpura, P.S.- Noorsarai, Distt.- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parmanand Prasad, Adv.

For the Opposite Party/s : Mr. Binod Kumar No. 3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 08-01-2025 Heard Mr. Parmanand Prasad, learned counsel for the petitioners and Mr. Binod Kumar No. 3, learned APP for the State.

2. The petitioners apprehend their arrest in connection with Noorsarai P.S. Case No. 372 of 2024 dated 21.08.2024 registered for the offences punishable under sections 191(2), 190, 127(1), 127(2), 115(2), 109, 132, 121(1), 324(3), 352 and 351(2) of the Bharatiya Nyaya Sanhita (in short 'B.N.S.').

3. The main submissions advanced by learned counsel appearing for the petitioners are that the FIR in itself shows that a crowd of 80-100 people is alleged to have



committed the alleged occurrence as to creating obstacle in the official duty of fire brigade and damaging their vehicle when they arrived at the place of occurrence to extinguish the fire but there is no specific allegation against both the petitioners and they are said to be members of the mob and further, they have been made accused mainly on the basis of their identification made by local villagers and local Chowkidar and it is an admitted position that no videography was done in respect of the commission of the alleged occurrence. It is further submitted that though against the petitioner No. 1, there is criminal antecedent of one case and against petitioner No. 2, there is criminal antecedent of three cases but all these cases relates to antecedents of different nature of the offences and further, both the petitioners are on bail in the said cases. It is further submitted that three official persons of fire brigade are said to have sustained injuries but their injuries have been opined to be simple in nature and in this regard, the order impugned may be perused.

4. Learned APP appearing for the State has opposed the bail prayer of the petitioners.

5. Considering the above submissions advanced by petitioners' counsel and mainly taking into account the fact that



a large crowd consisting of more than 80 people is alleged to have committed the alleged occurrence, though the petitioners are named in the FIR but any specific role of any of them in the commission of the alleged occurrence has not been revealed, in my opinion, it is a fit case to grant the relief of anticipatory bail to the petitioners. Accordingly, let the petitioners named-above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Noorsarai P.S. Case No. 372 of 2024, subject to the conditions as laid down under Section 484(2) of the B.N.S.S.

(Shailendra Singh, J)

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