

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1977 of 2025

Arising Out of PS. Case No.-274 Year-2024 Thana- MUNGER MUFFASIL District- Munger

1. Subhash Paswan, S/o- Late Budhan Paswan R/o Village- Nayaram Nagar Morcha P.S.- Nayaram Nagar Dist- Munger
2. Nitish Kumar, S/o- Subhash Paswan, R/o Village- Nayaram Nagar Morcha P.S.- Nayaram Nagar Dist- Munger
3. Nawal Paswan, S/o- Jawahar Paswan, R/o Village- Katariya Naya Tola, P.S.- Muffasil, Dist- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indu Bhushan, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 05-02-2025 Heard Mr. Indu Bhushan, learned counsel for the petitioners and Mr. Dr. Ajeet Kumar, learned APP for the State.

2. The petitioners apprehend their arrest in connection with Muffasil P.S. Case No. 274 of 2024 dated 23.07.2024 registered for the offences punishable under Sections 329(4), 352, 308(4), 308(2), 351(2), 76, 324(2), 115(2) and 126(2) of the Bharatiya Nyaya Sanhita.

3. The main submissions advanced by petitioners' counsel are that the allegations levelled by the informant in the FIR are totally false, in fact on 07.07.2024, informant's husband, namely, Amit Kumar and one Sonu Kumar brutally assaulted the co-accused Kundan Kumar and one, namely, Jawahar Paswan, due to which they were admitted in Sadar



Hospital, Munger for treatment and the *fardbeyan* of said Kundan Kumar was recorded on 07.07.2023 and on that basis, Muffasil P.S. Case No. 273 of 2024 was registered under sections 126(2), 115(2), 308(4), 303(2), 352 and 351(2) of the B.N.S. and as per the prosecution story narrated by the informant in the FIR of the present matter, the alleged occurrence is said to have taken place on 07.07.2024 but the FIR which is a typed application was filed at the police station on 23.07.2024 without giving any explanation and the same shows that the FIR of the instant matter was registered in defence as well as for creating pressure upon the petitioners. It is further submitted that against the petitioner No. 1, there are criminal antecedent of four cases but he has got bail in all the said cases and moreover, most of these cases are old and against the petitioner No. 2, there is criminal antecedent of one case in which he is also on bail and the petitioner No. 3 has no criminal antecedent. It is further submitted that the petitioner Subhash Paswan is an employee in railway department on the post of sweeper and posted at Bhagalpur and on the alleged day and time of occurrence, he was performing his duty and in this regard, a certificate has also been issued by the Chief Health Inspector, Eastern Railway, Bhagalpur which has been filed with



this petition as Annexure- ‘3’ before this Court and no one belonging to the prosecution party sustained injury in the instant matter and the allegations made by the informant as to extorting money and abuse in the FIR are totally absurd and not believable.

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

5. Considering the aforesaid submissions advanced by petitioners’ counsel, this Court is inclined 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) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Muffasil P.S. Case No. 274 of 2024, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

(Shailendra Singh, J)

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