

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21344 of 2015

Arising Out of PS.Case No. -74 Year- 2014 Thana -SHAKURABAD District- JEHANABAD

- =====
1. Rajesh Paswan Son of Deo Narayan Paswan
 2. Mahesh Paswan Son of Nanda Paswan
- Both residents of Village - Dharampur, P.S. - Shakurabad, District - Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar
For the Opposite Party/s : Mr. Murlidhar(APP)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 20-08-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Section 147, 323, 307 of the Indian Penal Code and the fact that even the allegation in the First Information Report lodged by the Informant, Niranjana Kumar Sharma is with regard to indiscriminate assault by as many as ten persons including the petitioners either on the person of Ashok Sharma or on the Informant himself but, then, only one injury each has been found by the doctor in the injury report of both the aforesaid persons, this Court, taking into account that the petitioners have got no criminal antecedent, would direct the petitioners, namely, Rajesh Paswan and Mahesh Paswan to surrender before the court below within a



period of four weeks from today and, if they do so, they will 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 Smt. Namita Singh, Judicial Magistrate, 1st Class, Jehanabad in connection with Shakurabad P.S. Case No. 74 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

- (i) That the court below shall make verification of criminal antecedent of the petitioners and if it is found that they are accused in any other criminal case, they shall not be granted bail and would be taken into custody.
- (ii) That both the bailors will be a close relative of the petitioners, who will undertake an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.
- (iii) That the affidavit shall clearly state that the petitioners are not an accused in any other case and if they are, they shall not be released on bail.
- (iv) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioners are implicated in any other case of similar nature after their release in the

present case and, thereafter, the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

- (v) That the petitioners will be well represented on each and every date in course of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

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