

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53258 of 2017

Arising Out of PS.Case No. -19 Year- 2017 Thana -RAHIKA District- MADHUBANI

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Diwakar Paswan @ Debakar Paswan @ Dibakar Paswan, aged about 20 Years, S/o Ramashish Paswan, R/o Vill.- Baharban, P.S.- Rahika, District-Madhubani.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s	:	Mr. Ratanakar Jha
For the Opposite Party/s	:	Kusum Rani, Advocate
For the informant	:	Mr. Gagandeo Yadav, Advocate
	:	Mr. Ravi Prakash, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-11-2017

Heard the learned counsel for the petitioner.

The petitioner seeks regular bail in connection with Rahika PS case no. 19 of 2017 registered for the offences punishable under Sections 341, 323, 354(B) of Indian Penal Code and Section 12 of POSCO Act.

The allegation against the petitioner is that on 23.01.2017 at about 4.30 pm, the informant along with his elder sister Nagma Perveen had gone to their poultry farm and was planting onion. In the meantime, the informant Nusrat Perveen went to the tube well for drinking water and saw that the petitioner and one Md. Khurshid had caught her sister Nagma Perveen with an ill motive hence, she went to her house to inform her mother



whereafter, the accused persons followed her and caught her and the petitioner assaulted her with the butt of the pistol resulting in injury to her.

The learned counsel for the petitioner submits that the two cases pending against the petitioner have also been lodged by the prosecution side and there being a land dispute, the petitioner has been falsely implicated in the present case. It is further submitted that the petitioner is in custody since 13.06.2017 and apart from the aforesaid two cases filed at the behest of the informant side, no other case is pending against the petitioner.

Per contra, the learned counsel for the informant submits that the petitioner is a habitual offender and has been harassing girls of the informant side hence, he should not be enlarged on regular bail.

I have perused the records and find that this is a fit case in which the petitioner can be extended the privilege of regular bail subject to verification by the learned trial court as to whether any case apart from Rahika PS case no. 24 of 2016 and Rahika PS case no. 57 of 2016 are pending or not. In case, it is found that if any other case except the said two cases is pending against the petitioner, the privilege of bail shall stand withdrawn. I further direct that if the petitioner is enlarged on bail, he would



mark his presence before the concerned PS on every Monday at 10 am and also will be present on dates fixed by the trial court and in default in marking his presence either before the concerned PS or before the trial court, the privilege of bail shall stand withdrawn and he would be taken into custody forthwith.

In above view of the matter, the petitioner is directed to be enlarged on regular bail on furnishing bail bond of Rs. 50,000/- (Rs. Fifty thousand) with two sureties of the like amount each to the satisfaction of 1st Addl. Sessions Judge-cum-Special Judge, POSCO Act, Madhubani in connection with Rahika PS case no. 19 of 2017.

(Mohit Kumar Shah, J.)

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