

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36247 of 2017

Arising Out of PS.Case No. -63 Year- 2017 Thana -KARAHGAR District- SASARAM (ROHTAS)

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Arvind Kumar @ Arvind Paswan son of Radhey Shyam Paswan @ Loha
Paswan resident of Village : Lakhanpura, P.S. : Kargahar, District : Rohtas.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy, Adv.
For the Informant : Mr. Manoj Kumar, Adv.
For the Opposite Party/s : Mr. Murli Dhar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 31-10-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner is languishing in judicial custody since
12.03.2017 in connection with Kargahar P.S. Case No. 63 of 2017
for offences punishable under Sections 147, 148, 149, 341, 325,
307, 504 of the Indian Penal Code. Later on Section 302 I.P.C.
was added.

The prosecution case, as lodged by the informant, is
that while he was in his field along with his father nine accused
persons including the petitioner variously armed with Garasa,
Rod, Farsa and Katta beat the informant and his father Raja Ram
Choudhary who later on succumbed to the injury during course of



treatment.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and in fact a counter case has been lodged by the petitioner's side bearing Kargahar P.S. Case No. 64 of 2017 for the same incident on the same date in which both sides received injuries. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner and that some of the accused persons have been granted the privilege of bail by a co-ordinate Bench of this Court in Cr. Misc. No. 46531 of 2017 on 20.09.2017. He submits that general and omnibus allegations have been levelled against all the accused persons and no specific allegation has been made against the petitioner.

However, learned counsel for the informant as well as learned APP for the State vehemently oppose the prayer for bail stating therein that because of common intention and intention to kill the petitioner and other co-accused has killed his father and injured the informant.

Considering the facts and circumstances and the materials on record and that since on similar allegations some of



the co-accused persons have been granted the privilege of bail, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Rohtas at Sasaram in connection with Kargahar P.S. Case No. 63 of 2017, subject to the conditions that:

- (1) Both bailors would be close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.
- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Devendra/-

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