

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39147 of 2017

Arising Out of PS.Case No. -184 Year- 2017 Thana -FORBESGANJ District- ARRARIA

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Amar Paswan S/o Sultan Paswan resident of village West Aurahi District
Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate

For the Opposite Party/s : Mr. Sri Madhuranand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

2 19-08-2017

Heard learned counsel for the petitioner and learned

APP for the State.

This is a case registered under Sections 147, 241,
323, 324, 307, 379 and 504 of the Indian Penal Code.

In the FIR, the allegation of assaulting the
informant's party has been levelled against eleven named persons.
The specific allegation against the petitioner is of assaulting
Yogendera Paswan by 'Farsa'.

Counsel for the petitioner draws the attention of this
Court towards Annexure 3 which is injury report of said Yogendra
Paswan, to submit that the injuries are simple in nature and caused
by hard and blunt substance which shows the falsity of the
allegations. He further submits that in fact the dispute arose due to
land dispute in which members of the petitioner's party namely,
Shivanand Paswan, had sustained injury and he was also taken to



the hospital for treatment and taking advantage of the aforesaid, the informant has lodged the instant case whereas the petitioner's party has lodged Forbesganj (Simraha) P.S. Case No. 186 of 2017 with regard to the same occurrence. He also submits that prior to the instant case, the petitioner has no criminal history and he is in custody since 20.06.2017.

In the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Araria in Forbesganj (Simraha) P.S. Case No. 184 of 2017 subject to the conditions :

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the affidavit shall clearly state that the petitioner is not an accused in any other case and if he is, he shall not be released on bail.
- (iii) That the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is implicated in any other case of similar nature after his 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.

- (iv) That the petitioner will give an undertaking that he will receive the police papers on the given date and be present on date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.
- (v) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

Prakash/-

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