

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32981 of 2017

Arising Out of PS.Case No. -15 Year- 2017 Thana -SITAMARHI District- SITAMARHI

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Chandan Paswan son of Late Shiv Narayan Paswan, Resident of Village-
Ranjitpur Got, Police Station and District- Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Prasad Singh
For the Opposite Party/s : Mr. Sri Rajkishore Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 13-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
17.01.2017 in connection with Sitamarhi (Punaura) P.S. Case No.
15 of 2017 for offences punishable under Sections 341, 323, 324,
307, 385, 504/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that the petitioner who was working as 'Munsi' and looking after
construction of school financed by a charitable trust, the petitioner
along with two others named in the F.I.R. and 5-6 known persons
variously armed with weapons came and started abusing and
demanded ransom of Rs. 5,00,000/-. On objection the petitioner is
alleged to have hit the informant by iron rod on the head.



It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that the injury has been found to be simple in nature as such Section 307 of the I.P.C. is not applicable. He further submits that no incriminating article has been recovered from his possession and charge-sheet has already been submitted and that there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and as many as two cases are pending against him one for serious offence.

Considering the facts and circumstances and the materials on record, 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 Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi (Punaure) P.S. Case No. 15 of 2017, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his 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.

(3) It is also made clear that if the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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