

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72429 of 2018

Arising Out of PS. Case No.-156 Year-2016 Thana- MADHEPURA District- Madhepura

Rajballi Paswan, Son of Bandelal Paswan, Resident of Village-Dudhaila,
Police Station-Madhepura, District-Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad

For the Opposite Party/s : Mr.Md. Arif

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 20-12-2018 Heard learned counsel for the parties.

Petitioner seeks bail in Madhepura P.S. Case No.156 of 2016 registered for the offence punishable under Sections 147, 341, 323, 324, 307, 354, 379 and 302 of the Indian Penal Code.

The informant has alleged that on 23.03.2016 at about 7 P.M. when the informant along with her husband Raj Kumar Paswan (deceased) was returning to her house, some miscreant tried to outrage her modesty and on protest raised by her husband, Dayanand Paswan, Rajesh Paswan assaulted the informant's husband and he fell down on the ground. Thereafter, the petitioner and another co-accused persons also assaulted the informant by lathi and threw him on the road and fled away. The husband of the informant succumbed to injuries.

Learned counsel for the petitioner has submitted that



petitioner is innocent and he has been falsely implicated in this case. The allegation is general and omnibus against the petitioner. It has further been submitted that co-accused Dayanand Paswan had assaulted the deceased by iron rod on his head due to which he received fatal injury. Similarly placed co-accused Rajesh Paswan has already been granted bail by a co-ordinate bench of this court vide order dated 15.12.2016 passed in Criminal Misc. No. 52663 of 2016. Petitioner has not criminal antecedent and he is in custody since 22.08.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Madhepura P.S. Case No.156 of 2016, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case,



prosecution will be at liberty to move for cancellation of
bail of the petitioner.

(S. Kumar, J)

Sanjay/-

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