

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13436 of 2019

Arising Out of PS. Case No.-234 Year-2018 Thana- BASOPATTI District- Madhubani

Naresh Paswan, aged about 25 years (Male) Son of Rajesh Paswan, Resident of Village - Gaus Nagar, P.S.- Basopatti, District - Madhubani.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Gagan Deo Yadav, Advocate
For the Opposite Party : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 06-03-2019 As prayed, learned counsel for the petitioner is permitted to make corrections in paragraph 9 of the petition by substituting the words “co-accused Naresh Paswan and Dinesh Paswan” with the words “petitioner Naresh Paswan and co-accused Dinesh Paswan” in course of the day.

2. Heard learned counsel for the petitioner and learned APP for the State.

3. The petitioner apprehends his arrest for the offences alleged under Sections 147, 341, 323, 324, 307, 379 and 504 of the Indian Penal Code registered in connection with Basopatti P.S. Case No. 234 of 2018.

4. It is submitted that the petitioner has been falsely implicated on account of a petty dispute between the parties. The allegation of assault by the accused persons including the petitioner who is said to have assaulted with *Farsa* on the head of the informant is not corroborated as there is no injury report. Learned Sessions Judge has also not discussed any injury report after going through the case diary. The petitioner claims clean antecedents.

5. Be that as it may, in the event of the petitioner’s arrest



or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on provisional anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Madhubani in connection with Basopatti P.S. Case No. 234 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

6. Learned court below shall verify that no injury on any vital part of the mother of the informant has resulted to her by reason of assault attributed to the petitioner. The provisional bail granted to the petitioner shall stand confirmed if no injury on any vital part of body of the mother of the informant is found to corroborate the accusation of assault by the petitioner. In case the petitioner's claim fails upon verification, his bail bond shall stand automatically cancelled.

BT/Chandran

(Vikash Jain, J)

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