

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26203 of 2019

Arising Out of PS. Case No.-6 Year-2019 Thana- DEEPNAGAR District- Nalanda

1. Bijay Kumar @ Bijay Paswan, Son of Dilip Paswan Resident of Mohalla- Patna City,P.S.- Malsalami, Dist.- Patna
2. Satrugan Paswan Son of Balai Paswan @ Shailendra Paswan Resident of Village-Maghra,Police Station-Deep Nagar, District-Nalanda.
3. Nokhu Paswan @ Vijendra Paswan, Son of Bikram Paswan @ Mishri Paswan Resident of Village-Maghra,Police Station-Deep Nagar, District-Nalanda.
4. Tufan Paswan Son of Bijali Paswan Resident of Village- Maghra, Police Station-Deep Nagar, District-Nalanda.
5. Ganesh Choudhary Son of Futus Choudhary Resident of Village- Maghra, Police Station-Deep Nagar, District-Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Adv.

For the Opposite Party/s : Mr. Umeshanand Pandit, A.P.P.

For the Informant : Mr. Pramod Kumar Sinha, Adv.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 03-05-2019 Heard learned counsel for the petitioners, learned counsel for the informant and learned counsel appearing on behalf of the State.

Petitioners seek bail in connection with Deepnagar P.S. Case No. 06 of 2019, for offences punishable under Section 147, 148, 149, 348, 323, 324, 427, 307, 436, 380 and 302 of the



Indian Penal Code.

The prosecution case as lodged by the informant is that while she was in her house, 400-500 persons armed with lathi, fatha, brick and stones came to her door and started assaulting the family members. 51 persons have been named by the informant including the petitioners who brutally assaulted the family members. Resultantly the informant's son Ranjan Kumar died.

It has been submitted by the learned counsel for the petitioners that they are innocent and have been falsely implicated in the aforesaid case. He submits that general and omnibus allegation has been leveled against the petitioners and no specific, direct or indirect allegation has been leveled as on whose assault, the son of the informant died. Petitioners are languishing in judicial custody since more than three months, charge-sheet having been submitted, there being no allegation of tampering with the prosecution witnesses. Learned counsel for the petitioners further submits that one of the co-accused on similar allegation has been granted the privilege of bail by this Court in Cr. Misc. No. 16357 of 2019 dated 27.03.2019.

However, learned counsel for the informant and learned APP for the State vehemently oppose the prayer for bail



stating therein that although it was a mob attack but the petitioners along with co-accused have also killed another boy of the same village for which Deepnagar P.S. Case No. 07 of 2019 is pending against the petitioners and other co-accused. They submit that the petitioners along with others have resorted to terror and killing in the village for which they are not entitled to be enlarged on bail.

Considering the nature of allegations and that charge-sheet has already been submitted, let the petitioners above named be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Deepnagar P.S. Case No. 06 of 2019, subject to the conditions:-

(1) One of the bailors would be close relative of the petitioners having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioners.

(2) The petitioners 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 their bail bonds.

(3) If the petitioners indulge in an offence of similar



nature in future, the prosecution will be at liberty to move the
learned Court below for cancellation of their bail bonds.

(Nilu Agrawal, J)

devendra/priyanka

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