

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31533 of 2019**

Arising Out of PS. Case No.-66 Year-2018 Thana- PATEPUR District-
Vaishali

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KAMLESH PASWAN, aged about 26 years, male, Son of Late Jag Mohan
Paswan Resident of Village - Maura Khrud, P.S.- Tajpur, Dist.- Samastipur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Rakesh Prabhat, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 15-05-2019

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

2. The petitioner apprehends his arrest for the offences
alleged under Sections 147, 148, 149, 341, 323, 324, 307, 379
and 504 of the Indian Penal Code and Section 27 of the Arms Act
registered in connection with Patepur P.S. Case No. 66 of 2018.

3. It is submitted that the petitioner has been falsely
implicated in the backdrop of land dispute and there is case and
counter case between the parties. The F.I.R. has been instituted
against as many as 7 named and 20-25 unknown persons. There
is no injury report on record to support the accusation of assault
on the head of Ashok Singh with *farsha* by the petitioner. The
petitioner claims clean antecedents.

4. 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 bail on furnishing bail bond
of Rs.10,000/- (ten thousand) with two sureties of like amount



each to the satisfaction of learned Sub-Judge-XIth cum Additiional Chief Judicial Magistrate-Xth, Vaishali at Hajipur in connection with Patepur P.S. Case No. 66 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following 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 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.

(iv) 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.

5. The provisional granted to the petitioner shall be confirmed upon verification by the learned Court below that there is no grievous injury on the head of Ashok Singh by sharp cutting instrument, failing which his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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