

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37314 of 2019

Arising Out of PS. Case No.-216 Year-2013 Thana- SARAIYA District- Muzaffarpur

Raj Kumar Paswan aged about 26 years, Male, Son of Machhu Paswan
Resident of Village + P.O-Gidha, P.S-Saraiya, District-Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Manoj Kumar, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 19-06-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 376, 511, 324 and 379 of the Indian Penal Code registered in connection with Saraiya P.S. Case No. 216 of 2013.

3. It is submitted that the petitioner has been falsely implicated and apart from the benefit of Section 41(1) of the Code of Criminal Procedure, after due investigation, the police found the case to be true only under Sections 341, 323, 324 and 354 of the IPC but cognizance has been taken under Sections 376, 511, 324 and 379 of the IPC. It is further submitted that the parties are door-to-door neighbours and the case was instituted in the backdrop of money dispute. Injuries said to have been sustained by the so-called victim are simple in nature. 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 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, II, West Muzaffarpur in connection with Saraiya P.S. Case No. 216 of 2013, 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.

(Vikash Jain, J)

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