

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38419 of 2019

Arising Out of PS. Case No.-11 Year-2019 Thana- TANDWA District- Aurangabad

=====

DHARMENDRA PASWAN @ DHARMENDRA KUMAR Son of Late
Rajeshwar Paswan Resident of Village-Saharsa, Police Station-Risiyap,
District-Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh
For the Informant : Mr. Ashok Kumar Singh
For the Opposite Party/s : Mr.Suresh Prasad Singh

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 28-06-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 341, 323, 379, 498A, 504/34 IPC and
Section 3 and 4 of the D.P. Act registered in connection with
Tandwa P.S. Case No. 11 of 2019.

3. It is submitted that the petitioner has been falsely
implicated merely because he happens to be the '*nandoshi*' of the
informant. It is submitted that the thrust of accusation of assault
is against the informant's husband. It is further submitted that
the petitioner is living separately, being a permanent resident of
Saharsa P.S. Risiyap, District Aurangabad and presently residing at
Sauwa Bhurkunda, District Ramgadh(Jharkhand).



4. Learned APP assisted by learned counsel for the informant appear and opposes the anticipatory bail petition. It is submitted on behalf of the informant that there is direct accusation and the petitioner assaulted the informant. It has further been stated that the informant has sustained fracture in the right hand which is attributable to the petitioner.

5. Be that it may, in the event of petitioner's arrest or surrender within four weeks hereof 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 CJM, Aurangabad in connection with Tandwa P.S. Case No. 11 of 2019 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 co-operate 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) 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.

6. The provisional bail granted to the petitioner shall be confirmed upon verification by the learned Court below preferably within a period of four weeks from the date of receipt/production of a copy of this order that the informant has not suffered fracture in her hand. In case the petitioner's claim fails upon verification, his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

Chandran/-

U		T	
---	--	---	--

