

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44764 of 2019**

Arising Out of PS. Case No.-115 Year-2019 Thana- DHANARUA District-
Patna

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ARBIND PASWAN @ ARVIND PRASAD, male, aged 59 years, Son of Late
Ramnan Paswan Resident of Village - Barki Dhamaul, P.S.- Dhanarua,
District- Patna Petitioner

Versus

THE STATE OF BIHAR Opposite Party

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Appearance :

For the Petitioner : Mr. Rudra Deo, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 22-07-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 323, 324, 307, 354, 379, 147, 148, 149,
341, 342 of the Indian Penal Code registered in connection with
Dhanarua P.S. Case No. 115 of 2019.

3. It is submitted that the petitioner has been falsely
implicated in the backdrop of petty dispute between the parties
who are neighbours. Reference is invited to the order of the
learned Sessions Judge in which it is observed that no injury
report is available on the record. It is therefore submitted that
the ingredients of the offence alleged under Section 307 IPC is
not made out and the other non-bailable offences have been
added merely as embellishment. The petitioner claims clean
antecedents.

4. Learned APP assisted by learned counsel for the
informant submits that there is specific accusation of assault
attributed to the petitioner.

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 bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of Sri B.N. Tripathi, learned Judicial Magistrate Ist Class, Masaurhi, Patna in connection with Dhanarua P.S. Case No. 115 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 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.

6. The provisional bail granted to the petitioner shall be confirmed by the learned Court below upon verification within a further period of four weeks after furnishing bail bond, that no grievous injury has been caused to the informant. In case any grievous injury is found, his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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