

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49572 of 2019**

Arising Out of PS. Case No.-21 Year-2019 Thana- BANGAWON District-
Saharsa

- =====
1. ASHISH KUMAR PASWAN @ ASHISH KUMAR Son of Ajay Paswan Resident of Village- Murli Basantpur, Ward No. 15, P.S.- Bangaon, District- Saharsa.
 2. Ajay Paswan Son of Durga Paswan Resident of Village- Murli Basantpur, Ward No. 15, P.S.- Bangaon, District- Saharsa.
 3. Dharmendra Paswan Son of Domi Paswan Resident of Village- Murli Basantpur, Ward No. 15, P.S.- Bangaon, District- Saharsa.
 4. Durga Paswan Son of Late Ramotar Paswan Resident of Village- Murli Basantpur, Ward No. 15, P.S.- Bangaon, District- Saharsa.
 5. Bhikhan Paswan Son of late Nageshwar Paswan Resident of Village- Murli Basantpur, Ward No. 15, P.S.- Bangaon, District- Saharsa.
 6. Sumit Paswan Son of Bhikhan Paswan Resident of Village- Murli Basantpur, Ward No. 15, P.S.- Bangaon, District- Saharsa.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Ashok Kumar Mishra, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 08-08-2019 Heard learned counsel for the petitioners and learned

APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 341, 323, 325, 307, 379, 448 and 504/34 of the Indian Penal Code registered in connection with Bangaon P.S. Case No. 21 of 2019.

3. It is submitted that the petitioners have been falsely



implicated and there is case and counter case between the parties. The accusations are general and omnibus and the specific allegation of assault is against co-accused Santosh Paswan. There is considerable delay in institution of the F.I.R. on 11.03.2019 for the alleged occurrence of 01.03.2019. Reference is invited to the order of the learned Ist Additional Sessions Judge in which it appears that injury report is not available on record. The petitioners claim clean antecedents.

4. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of Sri P.K. Jha, learned Additional Chief Judicial Magistrate Ist, Saharsa in connection with Bangaon P.S. Case No. 21 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 of each of the petitioners shall be their close relatives other than the petitioners herein.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves



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 petitioners 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, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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