

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63878 of 2019

Arising Out of PS. Case No.-96 Year-2019 Thana- OBRA District- Aurangabad

1. BRAJESH PASWAN Son of Sanjay Paswan @ Sankar Paswan Resident of Village - Tejpura, P.S.- Obra, Distt - Aurangabad.
2. Bijesh Paswan Son of Sanjay Paswan @ Sankar Paswan Resident of Village - Tejpura, P.S.- Obra, Distt - Aurangabad.
3. Himachal Kumar Son of Sanjay Paswan @ Sankar Paswan Resident of Village - Tejpura, P.S.- Obra, Distt - Aurangabad.
4. Bindhayachal Kumar @ Bihachal Kumar Son of Sanjay Paswan @ Sankar Paswan Resident of Village - Tejpura, P.S.- Obra, Distt - Aurangabad.
5. Sikandar Paswan Son of Padum Paswan Resident of Village - Muktiyarpur, P.S.- Khudwan, Distt - Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr.Leelawati Kumari
For the Opposite Party/s : Mr.Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 25-10-2019 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, 308, 379, 504/34 of the Indian Penal Code registered in connection with Obra P.S. Case No. 96 of 2019.

3. It is submitted that the petitioners have been falsely implicated and the specific accusation of assault with fists and slaps is Brajesh Paswan, petitioner no. 1. The accusation of assault with *lathi danda* is general and omnibus in nature. It is



further submitted that the informant was in drunken condition and fell on the ground, causing injury on his head, however, opinion on the nature of injury has been kept reserved. The accusation of snatching of Rs. 35,000/- is mere embellishment. The occurrence transpired owing to dispute between the parties who are agnates. The petitioners claim clean antecedents.

4. Be that it may, in the event of petitioners arrest or surrender within four weeks hereof let the above named petitioners be released on provisional bail on furnishing bail bond of Rs.10,000/- [ten thousand] each with two sureties of like amount each to the satisfaction of learned SDJM, Daudnagar, Aurangabad in connection with Obra P.S. Case No. 96 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 petitioners.

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

(iii) That the petitioners shall co-operate 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) 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, his bail bond shall be liable to be cancelled by the learned Court concerned.

5. The provisional bail granted to the petitioners 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, conversely, their bail bond shall stand automatically cancelled.

(Vikash Jain, J)

Chandran/-

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

