

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68155 of 2019

Arising Out of PS. Case No.-7 Year-2019 Thana- DEEPNAGAR District- Nalanda

VIMAL PASWAN, Gender-Male, aged about 42 years, S/o Kishori Paswan,
R/o village- Maghra, P.S.- Deepnagar, District- Nalanda.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	M/S. Ajay Kumar Thakur, Shashank Shekhar and Malay Kumar Choudhary, Advocates.
For the Opposite Party	:	Mr. Brajendra Nath Pandey, A.P.P.
For the Informant	:	Mr. Rajendra Kishore Prasad, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-11-2019 Heard learned counsel for the petitioner, learned counsel for the informant and learned counsel for the State.

The petitioner seeks bail in a case for the offence registered under Sections 147, 148, 149, 342, 323, 427, 354(B), 307 and 302 of the IPC.

The prosecution story, in brief, is that on 02.01.2019, the informant Jay Prakash Malakar alongwith family members was at his house, at about 7.00 A.M., 300 to 400 persons armed with Lathi, strip of Bamboo entered into his house as well as in the house of his nephew by breaking the door and on the order of Nagina Paswan, Vimal Paswan (petitioner) and Bikki Paswan, F.I.R. named accused persons and 300 to 400 persons assaulted his nephew Ajay Malakar @ Sunti Malakar by means



of Lathi, Bricks, Stone and strip of Bamboo. The accused persons damaged the house hold articles and with intent to commit rape, they had torn the cloth of his daughter Ruchi Kuamri due to which, she became partly naked. Meanwhile, police came and took the informant and his nephew to hospital for treatment where the nephew of the informant succumbed to his injuries during course of treatment.

It has been submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 16.08.2019. The petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. General and omnibus allegation has been made against the petitioner. Altogether 51 persons are named in the F.I.R. alongwith 300-400 unknown persons. The petitioner is also named in the F.I.R. No specific injury or overt act is alleged against the petitioner. As per the F.I.R, the petitioner is said to be one of the Instigator. Though, in course of investigation, it has come that the petitioner alongwith others also participated in respect of assault. Admittedly, there is contradiction in between two versions.

On behalf of the State and the informant, it is



submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Nalanda at Biharsharif, in connection with Deepnagar P.S. Case No. 07 of 2019.

(Sudhir Singh, J)

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