

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73865 of 2019

Arising Out of PS. Case No.-98 Year-2019 Thana- LAUKAHA District- Madhubani

=====

Domi Paswan Son of Late Nanu Paswan Resident of Village - Madhopur,
P.S.- Laukaha, Distt - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-11-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in **Laukaha P.S.**
Case No. 98 of 2019, G.R. No. 563 of 2019, registered for the
offences punishable under Sections 147, 148, 149, 302, 323, 324
and 504 of the Indian Penal Code.

As per prosecution case, on 22.04.2019, while
informant's brother had gone to attend the call of nature, fifteen
accused persons variously armed including this petitioner,
assaulted the brother of informant, as a result of which he
became severely injured. On getting such information,
informant along with others, went at the place of occurrence and
took his brother to the hospital for treatment. It is further alleged
that when wife of the informant went to attend the call of nature,



all the accused persons surrounded her and Bishun Paswan is alleged to have given *Farsa* blow on the head of informant's wife namely, Kaushalya Devi (deceased), subsequently, Kapil Paswan and Bihari Paswan are alleged to have assaulted with iron rod and finally, she succumbed to the injuries.

It is submitted by learned counsel appearing on behalf of petitioner that there is a case and counter case. Counter case filed by the petitioner is prior to the case lodged by the informant. Moreover, injuries caused on the person of Ramavatar Paswan (Informant's brother) are simple except one injury. Petitioner also received injury. A proceeding under Section 144 Cr.P.C is also pending between the parties. So far as this petitioner is concerned, there is general and omnibus allegation. Specific allegation of assault upon the deceased is against other co-accused. Petitioner has got no criminal antecedent.

Considering the facts aforesaid, the petitioner above-named, in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the



satisfaction of the learned **Additional Chief Judicial Magistrate Ist, Jhanjharpur, Madhubani** in connection with **Laukaha P.S. Case No. 98 of 2019, G.R. No. 563 of 2019**, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

vinita/-

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

