

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26169 of 2020

Arising Out of PS. Case No.-361 Year-2019 Thana- WAJIRGANJ District- Gaya

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NAGO PASWAN @ NAGENDRA PASWAN Son of Late Sugi Paswan
Resident of Village- Bhagalpur, P.S.- Wazirganj, District- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh, Advocate
For the Opposite Party/s : Mr. Raj Kishore Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 15-10-2020

As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the learned Counsel for the State.

. This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner apprehends arrest in Wazirganj PS Case No. 361 of 2019 registered under Sections 147, 148, 149, 323, 324, 326, 307, 504 and 506 of the IPC.

The prosecution case is that while the informant's son was on his way, he has been stopped by 17 accused persons including the petitioner, who were variously armed and have assaulted his son and Bodhi Yadav when he tried to intervene.

Learned Counsel for the petitioner submits that specific allegation of assault has been attributed against co-accused Pravesh Manjhi, Shiv Charan Manjhi and Kanhai Manjhi. There is no specific



allegation of assault attributed against the petitioner. The petitioner has no criminal antecedent and his implication is on extraneous consideration. Wife of one of the co-accused has also lodged a FIR bearing Wazirganj PS Case No. 363 of 2019. There is case and counter case in relation to the same allegation. The parties are on inimical terms since before.

Learned APP for the State has opposed the prayer for anticipatory bail.

Having considered the rival submissions this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

Accordingly, let the petitioner above named, in the event of arrest or surrender before the court below within four weeks from today, 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 ACJM 1st Gaya in Wazirganj PS Case No. 361 of 2019 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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