

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.28577 of 2020**

Arising Out of PS. Case No.-58 Year-2020 Thana- DANIYAWAN District- Patna

Suraj Paswan @ Suraj Kumar S/o Bilas Paswan R/o Village- Danada, P.S.-
Daniyawar, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dinkar Kumar,Advocate

For the Opposite Party/s : Ms.Sharda Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 05-12-2020 Learned counsel for the petitioner undertakes to
remove all the defects pointed by the Stamp Reporter within
three weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms.
Sharda Kumari, learned A.P.P. for the State.

Petitioner in the present case is seeking pre-arrest bail
in connection with Daniyawar P.S. Case No. 58/2020 registered
for the offences punishable under Sections 147, 148, 149, 323,
341, 323, 354(b), 307, 379 of the Indian Penal Code and
Sections 8, 12 POCSO Act and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that from
the First Information Report (Annexure '1') it would appear that
the allegation of catching hand of the victim girl is specifically
alleged against co-accused Amit Kumar who has already been



enlarged on bail by a learned Juvenile Justice Board.

Learned counsel submits that as per allegations altogether 7 named accused including this petitioner reached at the place of occurrence where the informant's side were trying to pacify and convince the co-accused Amit Kumar. It is alleged that the 7 named accused who came there later started quarreling and assaulting the informant's side by lathi/danda and bricks. Co-accused Chandeshwer Paswan injured the right eye of fufa of the informant whereas it is alleged that this petitioner had given a lathi blow on the left hand of fufa of the informant causing injury in the little finger of the left hand.

Learned counsel for the petitioner submits that there is no injury report suggesting any injury on the little finger of the left hand of the fufa of the informant and then the allegation that the petitioner was having a pistol in his hand and fled away by firing is also an ornamental kind of allegation and no sign of firing has been found on the spot and the allegation has been made in a most vague and casual manner.

It is further submitted that from the impugned order itself it will appear that all other accused have been granted bail and main accused Amit Kumar has been released on bail by the Juvenile Board.



Learned APP for the State has though opposed the prayer for anticipatory bail of the petitioner, however, in course of argument she accepts that so far as this petitioner is concerned, he was neither present with co-accused Amit Kumar nor there is any allegation that this petitioner had touched the body of the informant, therefore, the provisions of POCSO Act may not be applicable.

Having regard to the facts and circumstances of the case, in view of the submissions of the petitioner taken note of hereinabove and the petitioner is not having any criminal antecedent, let in case of his arrest or surrender the petitioner above named within a period of four weeks from today in connection with Daniyawan P.S. Case No. 58 of 2020 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1st, Patna, subject to the condition as laid down under Section 438(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;



(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

