

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.30443 of 2020**

Arising Out of PS. Case No.-150 Year-2019 Thana- TARIYANI CHOWK District- Sheohar

1. SURENDRA PASWAN @ SURINDRA PASWAN Son of Sri Jamindar Paswan @ Jimidar Paswan Resident of Village - Kopgarh, P.S. - Tariyani, District - Sheohar
 2. Gajendra Paswan Son of Sri Jamindar Paswan @ Jimidar Paswan Resident of Village - Kopgarh, P.S. - Tariyani, District - Sheohar
- Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate
For the Opposite Party/s : Mr.Khurshid Anwar, APP

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

2 23-11-2020 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Khurshid Anwar, learned A.P.P. for the State.

Petitioners, in the present case, are seeking regular bail in connection with S. Tr. No. 102/2019 arising out of Tariyani P.S. Case No. 150/2019 registered for the offences punishable under Section 302 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submitted that as per the prosecution story the petitioners along with co-accused Jamindar Paswan came at the door of the informant and



assaulted the husband of the informant and there is general and omnibus allegation that all are starting assaulting her husband. Petitioner no. 2 is alleged to have given knife blow to the informant's husband.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in the present case, there is no allegation of any overt act against petitioner no. 1, however one injury has been attributed to petitioner no. 2. Learned counsel submits that petitioners are in jail since 26.08.2019 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioners.

Having regard to the facts and circumstances of the case wherein there is no specific allegation of commission of overt act against petitioner no. 1 and his case seems to be standing on same footing with Jimdar Paswan @ Jamindar Paswan who is co-accused and has been granted bail by learned coordinate Bench of this Court in Cr. Misc. No. 3276/2020, this Court is inclined to grant regular bail to petitioner no. 1, let the petitioner no. 1 above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the



satisfaction of learned District & Sessions Judge, Sheohar, in connection with Session Trial No. 102/2019 arising out of Tariyani P.S. Case No. 150/2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such 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 or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner no. 1 and in case at any stage it is found that the petitioner no. 1 has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19



Pandemic.

So far as the prayer for bail on behalf of petitioner no. 2 is concerned, this Court finds that there is a specific allegation against petitioner no. 2 that he had given the knife blow to the husband of the informant as a result whereof the injured fell down and subsequently died on way to Hospital. The fatal injury having been inflicted by petitioner no. 2, considering the seriousness of the offence, the severity of punishment and the materials available on the record, this Court declines him bail.

Prayer for regular bail of petitioner no. 2 is, thus, refused.

Let the trial be expedited.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

