

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75638 of 2019

Arising Out of PS. Case No.-81 Year-2019 Thana- KUTUMBA District- Aurangabad

DASAI PASWAN Son of Late Jagdish Paswan Resident of Village -
Bondapar Bajitpur, P.S.- Kutumba, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Narayan Mahto

For the Opposite Party/s : Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 06-03-2020 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 341, 323, 307 and 506/34 of the Indian Penal Code, registered in connection with Kutumba P.S. Case No. 81 of 2019.

3. It is submitted that the petitioner has been falsely implicated in the backdrop of land dispute as the petitioner is none other than the nephew of the informant. There is case and counter case between the parties. The allegation in the *fardbayan* that the petitioner was in drunken state and was selling liquor is without basis and the provision of the Prohibition Act has not been invoked in the FIR. In any event, no grievous injury appears to have been sustained by the son of



the informant, who is said to have been assaulted by the petitioner.

4. Be that as it may, in the event of petitioner's arrest or surrender within four weeks hereof, let the above named petitioner be released on provisional bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Aurangabad in connection with Kutumba P.S.Case No. 81 of 2019, G.R. No.979 of 2019, subject to the conditions as laid down under Section 438(2) Cr. P.C. and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his



bail bond shall be liable to be cancelled by the learned Court concerned.

5. The provisional bail granted to the petitioner shall be confirmed by the learned court below upon verification within a further period of four weeks after furnishing bail bond that no grievous injury has been sustained by the informant' son, conversely his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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