

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18143 of 2021

Arising Out of PS. Case No.-361 Year-2019 Thana- SHIVSAGAR District- Rohtas

Suryabansh Paswan @ Pandit Paswan, Son of Bikrama Paswan, Resident of
Village- Mitanda, Police Station- Shivsagar (Baddi O.P.) , District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-10-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Shivsagar (Baddi O.P.) P.S. Case No.361 of 2019 registered for
the offence punishable under Sections 147, 148, 149, 323, 302,
307, 504 and 506 of the Indian Penal Code.

The informant has alleged that the petitioner along
with his two sons, Raju Paswan and Rakesh Paswan, and five
others armed with lathi-danda came at his house and assaulted
him by lathi-danda, as a result of which he sustained head
injury.

Counsel for the petitioner submits that the petitioner
is innocent and has committed no offence. There is no specific
allegations against the petitioner; rather the allegations are



vague and omnibus. There is no overt act attributed against the petitioner. The injured Shanti Devi and Radhika Devi in their statements have not named the petitioner in the alleged occurrence. The injury of the injured Radhika Devi, Jityendra Kumar and Shanti Devi are simple in nature. The deceased has received only one injury over right side of abdomen and Doctor has opined the cause of death to be haemorrhage and shock. Learned counsel submits that the petitioner is the father of the aforesaid two co-accused, who are his sons and have been allowed bail in Cr.Misc. No.26401 of 2020, vide order dated 02.12.2020 and as per the allegation, the petitioner is similarly situated to that of the said two co-accused. Petitioner has no criminal antecedents and is in custody since 22.01.2020 on his surrender.

Learned APP for the State has opposed the prayer for bail. He submits that the witnesses have supported the involvement of the petitioner in their statements recorded under Section 161 of the Cr.P.C. and they have stated that the petitioner with their associates brutally assaulted by means of lathi to the injured persons and father of the informant died during course of assault.

Considering the rival submissions as also the facts



and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail **after framing of charge** on furnishing bail bond of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of Sri Raghvendra Narayan Singh, learned A.C.J.M. Cum Sub-Judge-VI, Sasaram, District-Rohtas, in connection with Shivsagar (Baddi O.P.) P.S. Case No.361 of 2019, subject to the following conditions:

(i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

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

(iii) 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 reasons, their bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) 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.

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

(Madhuresh Prasad, J)

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