

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28610 of 2020

Arising Out of PS. Case No.-95 Year-2020 Thana- CHAKAND District- Gaya

1. BHOLA PASWAN S/o Mukhindra Paswan @ Mokendar Paswan Resident of Village- Rajapur, P.S.- Chakand, District- Gaya.
2. Deel Kumar S/o Mukhindra Paswan @ Mokendar Paswan Resident of Village- Rajapur, P.S.- Chakand, District- Gaya.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Manoj Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 27-01-2021 Heard learned counsel for the petitioners and Mr. Manoj Kumar No.1, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Chakand P.S. Case No. 95 of 2020 registered for the offences punishable under Sections 341, 448, 323, 324, 307, 504, 506, 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the informant in her written report alleged that on 14.06.2020 at 09:00 P.M. while she was at her house accused Bhola Paswan and Deel Kumar came and indulged in abuse and assault to her. When her husband came to save her then they gave garasi blow on his head causing injury on the head.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the



present case. It is submitted that the injury report of the informant's husband shows that injury is simple in nature caused by hard and blunt object and as such the injury report is not supporting the allegation of assault by garasi.

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

Having regard to the facts and circumstances of the case, wherein the allegation against the petitioner is that he had assaulted the informant by a garasi but the injury report shows simple injury on the head caused by hard and blunt object, the injury report not supporting the allegation that the garasi blow was given on the head of the informant, in the nature of the materials placed before this Court, let in case of their arrest or surrender petitioners above-named within a period of four weeks from today in connection with Chakand P.S. Case No. 95 of 2020 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-V, Gaya, 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above mentioned order shall not be delayed for purpose of or in the name of verification.

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'.

