

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31804 of 2020

Arising Out of PS Case No.-597 Year-2019 Thana- ARARIA District- Araria

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1. Dilip Paswan, Male, aged about 30 years, Son of Tetar Paswan.
 2. Raju Paswan, Male, aged about 26 years, Son of Tetar Paswan.
 3. Sanjeet Paswan, Male, aged about 22 years, Son of Tetar Paswan.
 4. Tetar Paswan, Male, aged about 55 years, Son of Munisar Paswan.
All resident of Village - Baijnathpur Ward No. 06, PS- Araria RS, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Prasad Singh, Advocate
For the State	:	Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 05-03-2021

Heard Mr. Anil Prasad Singh, learned counsel for the petitioners and Mr. Humayou Ahmad Khan, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioners apprehend arrest in connection with Araria (RS) PS Case No. 579 of 2019 dated 26.07.2019, instituted under Sections 147, 149, 341, 427, 447, 354, 504 and 506 of the Indian Penal Code.



3. The allegation against the petitioners is of general riot and assault and specifically against petitioner no. 1 of tearing the blouse of the informant.

4. Learned counsel for the petitioners submitted that the informant had filed a case under Section 376 of the Indian Penal Code against the son of petitioner no. 4, who is the brother of petitioners no. 1 to 3 and is in custody and the police had come to investigate the case and when the police had left, it is alleged that the petitioners had gone to the house of the informant and committed the offence. Learned counsel submitted that there is no injury brought before the police during investigation and the allegation of tearing the blouse is cosmetic. It was submitted that the petitioners have no criminal antecedent.

5. Learned APP submitted that there is allegation of assault against the petitioners. However, it was not controverted that the same is general and omnibus without resulting in any injury, much less grievous in nature.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each



with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in Araria (RS) PS Case No. 597 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners and they shall co-operate with the police/prosecution and the Court. Any violation of the terms and conditions of the bonds or the undertaking and non-cooperation shall lead to cancellation of their bail bonds.

7. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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