

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38847 of 2020**

Arising Out of PS. Case No.-79 Year-2020 Thana- BIHARIGANJ District- Madhepura

Dhunmun Paswan S/o Late Sukhdeo Paswan R/o Village- Jotaili, P.S.-
Bihariganj, District- Madhepura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate
For the Opposite Party/s : Mr. Aditya Naraya, APP

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

5 06-07-2021 Heard learned counsel for the petitioner and Mr. Aditya Narayan, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Bihariganj P.S. Case No. 79 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 33, 302 of the Indian Penal.

Learned counsel for the petitioner submits that as per the prosecution story, on 25.3.2020 at about 9.30 a.m., the petitioner Dhummun Paswan, Indradeo Paswan along with other four-five unknown persons variously armed came on disputed field and started assaulting the informant and his family members. However, the informant, his wife and his son managed to escape from there but the father of the informant was brutally assaulted by the accused persons as a result of which he died on the spot.



Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner was alleged to have garansa in his hand but no such injury was found on the informant's father caused by garansa. The petitioner is in custody since 10.6.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this Court has noticed that there are general and omnibus kind of allegation of causing assault and so far as this petitioner is concerned he is said to be one of the assailants, there are altogether 14 named and 4-5 unknown persons, the petitioner is said to be lashed with garansa and assaulted the father of the informant, the Post-mortem report shows fractured temporal bone of left side, however, no injury caused by garansa have been shown, the submission being that the kind of injury noticed in the post-mortem report may be caused by the kind of weapons which have been attributed to the co-accused, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Udakishunganj, Madhepura in connection with Bihariganj P.S. Case No. 79 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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 and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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'.

