

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2808 of 2021

Arising Out of PS. Case No.-85 Year-2020 Thana- BAUSI District- Araria

1. JITENDRA PASWAN Son of Late Jugal Paswan
2. Kundan Paswan Son of Narayan Paswan
3. Pradeep Paswan Son of Late Shiv Dayal Paswan
All three are resident of Village- Majhua, Purab Tola, Ward No. 11,
P.S.- Baunsi, District- Araria.
4. Vinod Paswan Son of Manikchand Paswan Resident of Village- Bairakh,
P.S.- Raniganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 09-03-2021 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioner No 1 to 2 are in custody since 14.07.2020
and petitioner No. 3 to 4 are in custody since 02.09.2020 in
connection with Bousi P.S. Case No. 85 of 2020 registered for
the offences punishable under Sections 147/148/149/341/323/
324/307/302/379/504 of the Indian Penal Code.

As per the prosecution case, on 11.07.2020 at around
08:30 P.M., the accused persons along with others came with
deadly weapons and co-accused Narayan Paswan assaulted
father of the informant with Dabiya on head which caused him



grievous injury as a result of which he fell unconscious. It is further alleged that Jitendra Paswan (petitioner No. 1) assaulted the father of the informant on his legs with spade. Other accused persons also assaulted the mother of the informant and informant and committed theft in the house of the informant. Thereafter, informant and neighbours carried the father of the informant to Sadar hospital, Purnea where Doctors declared brought dead.

It is submitted on behalf of the petitioners that specific allegation of assault by Dabiya on head is against co-accused Narayan Paswan and petitioner No. 2 is alleged to have assaulted with spade on the legs of the deceased. So far as petitioners No. 2, 3 and 4 are concerned, there are general and omnibus allegation. There is case and counter case between the parties regarding same occurrence i.e., Bousi P.S. Case No. 88/20. It is further submitted that, admittedly, there is land dispute between them and both the sides are agnates. Chargesheet has already been submitted in this case. Petitioners have got clean antecedent. petitioner No 1 to 2 are in custody since 14.07.2020 whereas petitioner No. 3 to 4 are in custody since 02.09.2020.

However, learned A.P.P. appearing on behalf of the



State vehemently opposed the bail application and submitted that there is specific allegation of assault by spade on the leg of the deceased against petitioner No. 1.

Considering the aforesaid facts and circumstances and since there is specific allegation of assault by spade on the legs of the deceased against **petitioner No. 1, his prayer for bail is rejected.**

However, there is no specific allegation of assault against petitioners No. 2, 3 and 4, the bail petition for the **petitioners No. 2, 3 and 4 is allowed.** Let the petitioners above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Araria, in connection with Bousi P.S. Case No. 85/2020, subject to following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court on their absence on two consecutive dates without sufficient reason, their bail-bonds shall be cancelled by the Court below.

(2) If the petitioners tempers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to
move for cancellation of bail.

(Prabhat Kumar Singh, J)

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