

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6177 of 2021**

Arising Out of PS. Case No.-64 Year-2018 Thana- NAYAGAON District- Saran

Vachan Paswan@Bechan Paswan Son Of Vishwanath Paswan Village Dumari
Bujurg Ps Nayagaon District Saran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Krishna Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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

2 17-12-2021 Learned counsel for the petitioner undertakes to remove the defects as pointed out by Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Nayagaon P.S. Case No. 64 of 2018 registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504, 506 and 34 of the Indian Penal Code. The petitioner has no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, the accused persons were demanding the land of the petitioner for preparation of liquor which the petitioner denied. It is alleged that while the informant was



returning to his home carrying Rs. 20,000/- of his salary he was intercepted and brought at the Dalan of Bechan Paswan where he was pressurized to put signature on a stamp paper which he denied then Ranjit Kumar Rai snatched Rs. 20,000/- from him and Hakim Rai gave knife blow in his stomach, thereafter, the informant called his son and was brought to PMCH, Patna.

Learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence. It is submitted that there is no specific allegation of commission of any overt act against the petitioner. It is further submitted that the one injury received by the informant has been caused by co-accused Hakim Rai. The petitioner has no criminal antecedent.

Learned APP for the State has opposed the prayer of pre-arrest bail of the petitioner.

Having regard to the submissions which are uncontroverted that there is no specific allegation against the petitioner of commission of overt act, the only injury received by the informant is attributed to co-accused Hakim Rai and further that the allegation of snatching of money is only ornamental and that too it is not against the petitioner, this Court directs that the petitioner above named in the event of his arrest or surrender within four weeks from today be released on bail



on furnishing of bail bond of Rs.25,000/- (Rupees Twenty Five Thousand/-) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate XIII, Saran at Chapra in connection with Nayagaon P.S. Case No. 64 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

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'.

