

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8909 of 2021

Arising Out of PS. Case No.-23 Year-2020 Thana- MORO District- Darbhanga

1. Digamber Paswan Son of Baiju Paswan, Resident of village - Tenua, P.S. - Moro, District - Darbhanga.
2. Vidyapatti Paswan Son of Shankar Paswan, Resident of village - Tenua, P.S. - Moro, District - Darbhanga.
3. Manish Paswan Son of Shankar Paswan, Resident of village - Tenua, P.S. - Moro, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 30-06-2021 In view of sudden surge of COVID–19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned counsel for the petitioners and the learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners seek bail in G.O. Case No. 585 of 2020, arising out of Moro P.S. Case No. 23 of 2020 registered for



offence punishable under sections 304 and 279 of the Indian Penal Code and section 37 (C) of the Bihar Prohibition and Excise Act.

The three petitioners have allegedly dashed their motor cycle on the informant's father and one Devendra Das. As a result of the injury sustained the informant's father has died. The three petitioners were allegedly in an inebriated condition creating nuisance in the market area since before.

It is submitted by the petitioners' counsel that under some misconception and without looking to the contents of the F.I.R. the informant has put his signature on the same. To this effect, informant has filed an affidavit (Affidavit-4) realized the mistake, a compromise has also been entered into between the parties. The same is Annexure-5 to this application. The affidavit and the compromise petition totally contradict the case of the prosecution as stated in the F.I.R. The petitioners, having no criminal antecedents, are in custody since 23.06.2020 under such circumstances, whereas the petitioners' side have also sustained injury.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioners 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 each to the satisfaction of learned 2nd Additional District Judge-cum-Special Judge (Excise), Darbhanga in G.O. Case No. 585 of 2020, arising out of Moro P.S. Case No. 23 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

(Madhuresh Prasad, J)

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