

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12885 of 2021

Arising Out of PS. Case No.-303 Year-2020 Thana- NAUBATPUR District- Patna

1. Kalempu Paswan @ Vijendra Paswan @ Vijendra Son of Wifan Paswan (Wrongly Mentioned in the Impugned Order as S/o Ramadhar Rai) Resident of Village - Jafra Bhagwanpur, P.S.- Naubatpur, Dist.- Patna.
2. Prince Paswan @ Prince Kumar Son of Jitendra Paswan Resident of Village - Jafra Bhagwanpur, P.S.- Naubatpur, Dist.- Patna.
3. Sunil Paswan @ Sunil Kumar Son of Aryan Paswan Resident of Village - Gopalpur, P.S.- Bihta, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

9 29-11-2022 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

Learned counsel for the petitioners is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

The petitioners are apprehending their arrest in a
case registered for the offences punishable under Sections 341,
323, 324, 325, 307, 354(B) and 34 of the Indian Penal Code.

According to the prosecution case, the petitioners
are said to have come to the mango orchard of Chandrakant
Sharma, being armed with garasa and they had ordered to kill



the informant asking her why she was working as a caretaker due to which their work had been taken as they would have got to take care of the said orchard. Further, it has been alleged that the other co-accused who were also armed with garasa had assaulted the informant's husband, her two sons and another co-villager resulting in injuries on them, had also thrown her on the ground and had tried to outrage her modesty and had taken her ornaments and also broken one tooth. It has also been stated that her husband had to be given 15 stitches on her head and was in a serious condition being admitted to PMCH, Emergency Ward.

Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits it appears from the F.I.R. that there is general and omnibus allegation against all the petitioners and there is no specific allegation of assault or overt act against these petitioners. He further submits that the co-accused persons, namely, Rudal Paswan and Ramdeo Paswan have been granted bail vide order dated 19.07.2021 passed in Cr. Misc. No. 12105 of 2021. He further submits that the case of the petitioners are on similar footing.

The learned counsel for the State has vehemently opposed the prayer for bail of the petitioners.



Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Naubatpur P.S. Case No. 303 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed his



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(Rajesh Kumar Verma, J)

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