

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9253 of 2022

Arising Out of PS. Case No.-75 Year-2017 Thana- HAJIPUR SADAR District- Vaishali

Upendra Paswan Son of Late Rajendra Paswan Resident of Village - Pipariya
Tola, P.S.- Kartaha, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Sinha, Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-06-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

Petitioner seeks bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 325, 307, 337, 338, 332, 333, 379, 504, 506, 435 of the Indian Penal Code and Section 3/4 of Prevention of Damage to Public Property Act.

As per prosecution, in short, is that on receiving information about the death of one person in motorcycle accident due to that reason road was blocked, the informant being S.I. of Hajipur Sadar Police Station along with other police officials



reached there then the mob started pelting stones and bricks and causing assault through stick and lathi, in which, informant and constable Anand Kumar sustained injury. At that time, Kali Paswan and Rajesh Paswan tried to snatch the magazine of INSAS Rifle and the dead body of the injured was also put in the middle of the road.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case only on the basis of suspicion. He further submits that in fact on the date and time of occurrence the petitioner was not present there and it appears from Annexure-2 that the petitioner was not present at the place of occurrence. He further submits that similarly situated co-accused person namely Kali Paswan has been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 15.12.2017 in Cr. Misc. No. 40615 of 2017 and another co-accused Babloo Kumar @ Babloo Kumar Singh has been granted bail by a Coordinate Bench of this Court vide order dated 29.03.2017 in Cr. Misc. No. 15347 of 2017 respectively and the petitioner is in custody since 07.01.2022.

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

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing



bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Hajipur Sadar P.S. Case No. 75 of 2017, with the following conditions :-

(1) Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, 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 petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, 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.

Ibrar//-

(Rajesh Kumar Verma, J)

U		T	
---	--	---	--

