

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12393 of 2022

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

Mangal Paswan aged about 53 years, Son of Late Maheshwar Paswan
Resident of Village - Ghataro, P.S. - Kartaha, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Hajipur
Sadar P.S. Case No. 75 of 2017 registered for the offence under
Sections 147, 148, 149, 341, 342, 323, 325, 307, 337, 338, 332,
333, 379, 504, 506 and 435 of the Indian Penal Code and
Section 3/4 of Prevention of Damage to Public Property.

The accused/petitioner is named in the F.I.R. and is in
custody since 07.01.2022.

The allegation against the petitioner is to be a part of
mob agitated after death of one person in motorcycle accident
by way of blocking the road and also alleged to assault the



police personnel on duty, causing injury.

Learned counsel appearing on behalf of the petitioner submitted that the allegation against the petitioner is only to be a part of the mob and he was identified by a local chowkidar from CCTV footage. There is no allegation, as regard to any type of overt act, against the petitioner, who is a man of clean antecedent. It is further submitted that similar situated co-accused has already been granted bail by one of the learned Co-ordinate Bench of this Hon'ble Court through Cr. Misc. No. 9253 of 2022 dated 14.06.2022. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that the allegation against the petitioner is only to be a part of the mob.

Considering the facts and circumstances as mentioned above, as the allegation against the petitioner is only to be a part of the mob and there is no allegation of any overt act coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Hajipur Sadar P.S. Case No. 75 of 2017 on



furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali, Hajipur. subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be Jitendra Paswan, who is the son-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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