

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12517 of 2022

Arising Out of PS. Case No.-79 Year-2020 Thana- BIHARIGANJ District- Madhepura

Manoj Paswan Son of Late Ganeshi Paswan R/O Village- Jotaili, P.S.-
Bihariganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Navjot Yesu, Advocate
	:	Mr. Alok Kumar Singh, Advocate
For the State	:	Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 27-07-2022 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
Bihariganj P.S. Case No. 79 of 2020 registered for the offence
under Sections 147, 148, 149, 341, 323 and 302 of the Indian
Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 20.07.2020.

The allegation against the petitioner is to assault the
informant and his family members, equipped with deadly
weapons, in the background of land dispute. It is specifically



alleged that during the course of occurrence, co-accused persons, namely, Dhunmum Paswan, Raj Kumar Paswan and Bipin Paswan, brutally assaulted the father of the informant, causing his death on the spot.

Learned counsel appearing on behalf of the petitioner submitted that the allegation, as regard to assault, is very much general and omnibus against the petitioner, where the occurrence took place in the background of land dispute. It is submitted that specific allegation, as regard to fatal assault, is against co-accused persons, namely, Dhunmun Paswan, Raj Kumar Paswan and Bipin Paswan. It is also submitted that the allegation against the petitioner is limited only to be a part of the mob. It is further submitted that similarly situated co-accused has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 38847 of 2020 dated 06.07.2021. 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 specific allegation, as regard to fatal assault, is against co-accused



persons, namely, Dhunmun Paswan, Raj Kumar Paswan and Bipin Paswan.

Considering the facts and circumstances as mentioned above, as the allegation against the petitioner is limited only to be a part of the mob, without specifying any overt act, where the manner of alleged assault, against the petitioner, is very much general and omnibus 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 Bihariganj P.S. Case No. 79 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Udakishunganj, Madhepura/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That 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.

(iii) That one of the bailors shall be Sita Devi, who is the sister-in-law (*Bhabhi*) of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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