

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23447 of 2021**

Arising Out of PS. Case No.-115 Year-2019 Thana- PARAIYA District- Gaya

HIRALAL PASWAN S/O LATE SITARAM PASWAN R/o village- Guli,
P.S.- Paraiya, District- Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Singh, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 17-01-2022 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 the learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with Paraiya P.S. Case No. 115 of 2019/G.R. No. 4276 of 2019 registered for the offence under Sections 147, 148, 149, 448, 341, 323, 506, 307, 325, 379 and 354 of the Indian Penal Code.

The informant is subjected to assault by the accused persons through the deadly weapons like, Gandasa, Axe, lathi, Khanti and danda as a result of which he sustained injuries. The accused persons have also assaulted the daughter-in-law of the informant and tried to outrage her modesty and also taken away



Rs. 25000/-

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. In fact, altogether twelve persons have been named in the F.I.R. with allegation of indiscriminate assault, but no specific allegation of assault is attribute to the petitioner. As a matter of fact, the entire case is a counter version of Paraiya P.S. Case No. 114 of 2019 lodged against the informant of this case. The injury report also does not corroborate with the allegation leveled in the F.I.R. Moreover, the police after investigation has submitted charge-sheet against the petitioner and other co-accused in this case. The petitioner is rotting in judicial custody since 17.12.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Paraiya P.S. Case No. 115 of 2019/ G.R. No. 4276 of 2019 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

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

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 antecedent, 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.

(Rajesh Kumar Verma, J)

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