

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16855 of 2022

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

Ashok Paswan Son of Late Lakchhman Paswan @ Late Ram Lacchan
Paswan Resident of Ghataro, P.S.- Kartah, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Swarup Prasad, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-07-2022 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 Act.

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 to block the
road while protesting the death of one person in motorcycle
accident and when police personnel arrived at the spot, the
petitioner alongwith other co-accused persons pelted stones and



bricks causing injury to police personnel. It is also alleged that some of the co-accused persons snatched the fire arms and rifle from the police.

Learned counsel appearing on behalf of the petitioner submitted that the allegation against the petitioner is very much general and omnibus and he was only the part of the mob. It is submitted that there is no allegation of any overt act against the petitioner. It is further submitted that co-accused person, having specific allegation, has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 40615 of 2017 dated 15.12.2017. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, 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 very much general and omnibus.

Considering the facts and circumstances as mentioned above, as the allegation against the petitioner is limited only to be the part of the mob without having any specific 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 at Hajipur/concerned Court, 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 Arjun Paswan, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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