

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31233 of 2021

Arising Out of PS. Case No.-648 Year-2020 Thana- MAJHAULIA District- West Champaran

SUNIL PASWAN Son of Sri Prashuram Paswan Resident of Village-
Bahuarwa, Kachahari Tola, P.S. - Majhauria, District - West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Adv

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 14-02-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Majhauria
P.S.Case No.648 of 2020 registered for the offence under
Sections 147,148,149,447,341,323,324,325,307,427,504 and
506 of the Indian Penal Code.

The prosecution case, in short, is that on 21.08.2020
at about 7.00 A.M. petitioner and co-accused persons named in
the FIR variously armed with deadly weapon came at the door
of the informant and co-accused- Uday Paswan damaged his
motorcycle which was protested by the informant. Thereafter
co-accused Pashuram Paswan ordered to assault whereupon
petitioner Sunil Paswan gave Farsa blow on his head with an
intention to kill him due to which he sustained injury on his
head and blood started oozing and thereafter all the accused



persons assaulted him by lathi and caused him grievous injury. Co-accused Sudama Paswan inflicted farsa on the head of his uncle Dinesh Thakur with intention to kill him and caused him head injury and when brother of informant namely Shyam Kishore Thakur came to save him then accused Mandeep Paswan assaulted to his brother by iron rod on his left hand due to which his hand was fractured. During assault Birbal Paswan took out Rs.14,000/- from the pocket of his brother. The occurrence took place in the background of previous dispute.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. In fact the present case is a counter blast of the Majhauria P.S.Case No.606 of 2020 filed against the informant's uncle, namely, Dinesh Thakur and others. He further submits that as per allegation the petitioner in fact inflicted Farsa blow causing injury at the head of the informant but the injury report did not corroborate the allegation as stated in the FIR and the petitioner is in custody since 07.01.2021.

Learned A.P.P. for the State, on the basis of the material available on the record and the case diary, fairly submits that as per expert opinion the injury shows is grievous in nature but does not support the allegation is alleged in the



FIR. He further submits that the petitioner carries one more case other than the present one.

Considering the aforesaid facts, let the petitioner, above named, 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, West Champaran at Bettiah in connection with Majhauria P.S.Case No.648 of 2020 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 cancelled 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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