

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21957 of 2022

Arising Out of PS. Case No.-171 Year-2020 Thana- KAKO District- Jehanabad

1. Amrit Paswan S/O Surjan Paswan Resident Of Village- Kako, P.S.- Kako In The District Of Jehanabad.
2. Kanchan Paswan S/O Surjan Paswan Resident Of Village- Kako, P.S.- Kako In The District Of Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 23030 of 2022

Arising Out of PS. Case No.-171 Year-2020 Thana- KAKO District- Jehanabad

1. Deepak Paswan Son Of Yogendra Paswan R/O Village- Kako, P.S.- Kako In The The District Of Jehanabad
2. Pintu Paswan Son Of Late Budhan Paswan R/O Village- Nadaura, P.S.- Dhanarua In The District Of Patna
3. Mithun Paswan Son Of Late Indradeo Paswan R/O Village- Kako, P.S.- Kako In The The District Of Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 23046 of 2022

Arising Out of PS. Case No.-171 Year-2020 Thana- KAKO District- Jehanabad

1. Jogendra Paswan @ Yogendra Paswan S/O Late Mathura Paswan Resident Of Village- Kako, P.S.- Kako In The District Of Jehanabad.
2. Shailesh Paswan S/O Late Shatrudhan Paswan Resident Of Village- Kako, P.S.- Kako In The District Of Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s



Appearance :

(In CRIMINAL MISCELLANEOUS No. 21957 of 2022)

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr.Manoj Kumar

(In CRIMINAL MISCELLANEOUS No. 23030 of 2022)

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr.Rina Sinha

(In CRIMINAL MISCELLANEOUS No. 23046 of 2022)

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 01-08-2022 Heard Mr. Sunil Kumar, learned counsel for the
petitioner and Mr. Anuj Kumar learned counsel for the
informant and Mr. Satyendra Narayan Singh learned Additional
Public Prosecutor for the State.

Petitioners seek bail in a case registered in connection
with POCSO Case No. 08 of 2022 arising out of Kako P.S. Case
No. 171 of 2020 for the offences punishable under Section
30(a) of the Bihar Prohibition & Excise Act 2016.

As per the prosecution case ,it is alleged that while
sister of the informant was returning her home from market, the
co-accused Yogendra Paswan and Shailendra Paswan
misbehaved and tried to molest her and when her mother went
to save her 17 accused persons including the petitioners
assaulted both of them.

Learned counsel appearing on behalf of the petitioner
submits that occurrence took place on 18.08.2020 and the
present FIR has been instituted on 21.08.2020 and after 42 days



of the alleged occurrence when mother of the informant died thereupon section 302 of the Indian Penal Code was added. Learned counsel for the petitioners submits that as per the FIR, it is evident that there is general and omnibus allegation levelled against all the accused persons and taking into consideration the aforesaid allegation co-accused persons have already been granted bail by learned co-ordinate Bench of this Court in Cr. Misc. No. 10348 of 2021 vide order dated 30.06.2021. The copy of which has been brought on record as Annexure -3 to this petition.. It is next submitted that the petitioners are in custody since 02.02.2022 and the investigation of the crime is already completed and the charge-sheet has been submitted. Lastly learned counsel for the petitioners drawn the attention of this Court to the post mortem report which shows cause of death is cardio respiratory failure because of natural death.

On the other hand learned counsel for the State submits that there are ample material which suggest the complicity of the petitioners and it is also submitted that petitioner nos. 1 and 2 in Cr.. Misc. No. 23046 of 2022 and petitioner no. 1 of Cr. Misc. No 23030 of 2022 are having criminal antecedents and as such they do not deserve the privilege of bail.



Having regard to the submissions made on behalf of the parties and considering the fact that there are general and omnibus allegation against the petitioners and cause of death is cardio respiratory failure, apart from the fact that other co-accused persons having identical allegation have been granted bail by this Court, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI cum Special Court, POICSO, Jehanabad in connection with Kako P.S. Case No. 171 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.



(v) The Court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioners. 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.

(Harish Kumar, J)

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