

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33284 of 2021

Arising Out of PS. Case No.-69 Year-2020 Thana- MANPUR District- Nalanda

1. RAJARAM PASWAN Son of Late Munshi Paswan Resident of Village- Rupaspur, P.S.- Giriyak, District- Nalanda.
2. Arun Paswan S/o Ramchandra Paswan Resident of Village- Rupaspur, P.S.- Giriyak, District- Nalanda.
3. Rajesh Paswan S/o Ramchandra Paswan Resident of Village- Rupaspur, P.S.- Giriyak, District- Nalanda.
4. Kaushal Paswan S/o Late Darogi Paswan Resident of Village- Rupaspur, P.S.- Giriyak, District- Nalanda.
5. Prahlad Paswan Son of Late Darogi Paswan Resident of Village- Rupaspur, P.S.- Giriyak, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-06-2022 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 petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 342, 307, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.



As per prosecution case, in short, is that the informant gave his fardbeyan before the S.H.O. Manpur police on 10.07.2020 at 11:30 P.M. in V.I.M.S. Hospital, Pawapuri that he along with his daughter Frooti Kumari were sitting near Harizan Samudayik Bhawan and another villagers. Suddenly from north-west side sixteen persons from village came with brick, stones started abusing and thrown the bricks and stones at the house of Sidhehwar Paswan. Subodh Paswan @ Bikku Paswan started firing with rifle and hit her daughter's leg Frooti Kumari. Co-villagers started going one by one in house and no person was there to take away his daughter to Hospital. The informant himself took away his daughter to Sadar Hospital, Biharsharif for treatment and from where she was referred to V.I.M.S. Hospital Pawapuri.

Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that it appears from the F.I.R. that the allegation of firing against co-accused namely Subodh Paswan and there is no allegation of overt act or assault against these petitioners. He further submits that there is general and omnibus allegation against the petitioners and at best the petitioners may be the member of



mob.

Learned APP for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Manpur P.S. Case No. 69 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

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



(3) And, further condition that 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 their criminal antecedents, the court below shall take step for cancellation 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.

(Rajesh Kumar Verma, J)

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