

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25318 of 2022

Arising Out of PS. Case No.-409 Year-2021 Thana- MADHUBANI TOWN District-
Madhubani

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Prem Paswan Son Of Bhelai Paswan Resident Of Village - Kaitola, Ward No.-
4, P.S.- Town Madhubani, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Adv
For the Opposite Party/s : Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-08-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Madhubani Town P.S. Case No. 409 of
2021 for the offences punishable under Sections 147, 148,
149, 290, 291, 283, 353, 337, 338, 332, 341, 323, 427, 504,
506, 120B of the Indian Penal Code.

As per the prosecution case, it is alleged that the
concerned SHO has received an information with regard to
illegal usurpation of the land of Arun roy and Ramchandra



Shukla . On order, the concerned SHO rushed to the place of occurrence and found that scuffle was going on between both the sides. It is alleged that when the police personnel tried to pacify the situation, the accused persons became furious and tried to snatch government rifle and also assaulted the police personnel.

Learned counsel for the petitioner submits that FIR has been instituted against 39 named accused persons and some unknown persons. It is further submitted that there is general and omnibus allegation and no specific allegation of any overt act has been attributed against anyone and save and except the allegation that the petitioner being a member of mob, there is no material. It is next submitted that various persons named in the FIR have been granted anticipatory bail by the learned court below itself. However, only on account of his past criminal antecedent he has been implicated in this case.

On the other hand, learned counsel for the State opposed the bail application of the petitioner. and submits that he has multiple criminal antecedent. In response to the aforesaid submission, counsel for the petitioner submits that



out of six case, in five cases he is on bail.

Having heard the rival contentions of the parties and taking into consideration the general and omnibus nature of allegation and the fact that petitioner is in custody since 28.02.2022 and the investigation of the crime is already completed and the charge sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate Madhubani in connection with Madhubani Town P.S.Case No. 409 of 2021 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) He will remain present on each and every date of trial till disposal of the case.

(iii) He 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, his bail bonds will liable to be cancelled.

(v) 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 cancelling 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.

(Harish Kumar, J)

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