

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28241 of 2022

Arising Out of PS. Case No.-171 Year-2019 Thana- KATRA District- Muzaffarpur

1. VIKRAM PASWAN @ TIPU PASWAN Son of Bimal Paswan Resident of Village - Jajuar, P.S.- Katra, Dist.- Muzaffarpur.
2. Kalyan Kumar @ Bhulla Son of Amar Mahto Resident of Village - Jajuar, P.S.- Katra, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratneshwar Prasad, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-08-2022 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.

Petitioners seek bail in a case registered for the offences punishable under Sections 147, 148, 149, 447, 448, 341, 323, 307, 379, 380, 427, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

Allegation against the petitioner is that he along with other accused persons entered inside the house and assaulted the informant and others and also made firing.

Learned counsel for the petitioners submit that the



petitioner no. 1 carries five more cases other than the present one where as petitioner no. 2 has clean antecedents and they have been falsely implicated in the present case. He further submits that there is general and omnibus allegation against the petitioners that they along with other co-accused persons entered into the house of the informant and assaulted the informant and others. He further submits that in fact no such occurrence has been taken place and it appears from the F.I.R. that there is no specific allegation of assault against the petitioners and similarly situated co-accused person Sawan Thakur has been granted bail by a Coordinate Bench of this Court vide order dated 20.12.2019 in Cr. Misc. No. 84874 of 2019. He further submits that the police after investigation submitted chargesheet against the petitioners and the petitioners are in custody since 06.09.2021.

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, 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 Sessions Trial No. 56 of 2022 arising out of Katra P.S.
Case No. 171 of 2019, with the 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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