

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30431 of 2022

Arising Out of PS. Case No.-75 Year-2021 Thana- DELHA District- Gaya

1. Birendra Paswan S/o Chamari Paswan, Resident of Village- Kharkhura, Paswan Toli, P.S.- Delha, District- Gaya
2. Gena Paswan @ Jitendra Paswan S/o Chamari Paswan, Resident of Village- Kharkhura, Paswan Toli, P.S.- Delha, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No.2, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 16-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioners seek regular bail in connection with
Delha P.S. Case No. 75 of 2021, lodged under Sections 341,
323, 324, 353, 307, 333 & 34 of the Indian Penal Code.

As per the prosecution case, the allegation against the
petitioners and other accused persons are that they have scuffled
with the Police Personnel and tried to snatch the rifle of Police
Personnel.

Learned counsel for the petitioners submits that

petitioners are innocent and have committed no offence, the real dispute is otherwise. Learned counsel for the petitioner further submits that the Police visited in village and stopped the local villagers from making sound of D.J., it is due to this reason the scuffling takes place which resulted into filing of present case. He further submits that in the present case Police has made 17 persons as an accused. Learned counsel for the petitioner further submits that petitioners are in custody since 28.02.2022 having clean antecedent and charge sheet has already been filed in this case. He further submits that other co-accused person has been granted bail by the Co-ordinate Bench of this Court vide order dated 18.04.2022 passed in Cr. Misc. No.49708 of 2021.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Gaya in connection with Delha P.S. Case No. 75 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of their bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioners.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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