

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33474 of 2022

Arising Out of PS. Case No.-79 Year-2020 Thana- BIHARIGANJ District- Madhepura

Pappu Paswan Son of Karo Paswan Resident Of Village- Bajraha, P.S.-
Alamnagar, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Singh, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-09-2022 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 petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323 and 302 of the Indian Penal Code.

As per the prosecution case, petitioner and other accused persons named in the F.I.R. including 4-5 unknown persons came on the disputed field and started assaulting the informant and his family. In the meantime, co-accused Dhunmun Paswan, Raj Kumar Paswan and Bipin Paswan brutally assaulted the father of the informant causing his death on the spot.



Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that due to land dispute both the parties assaulted each other and there is no specific allegation of assault against the petitioner and there is general and omnibus allegation against the petitioner. He further submits that there is specific allegation of assault is against co-accused Dunmun Paswan, Raj Kumar Paswan and Bipin Paswan who assaulted the father of the informant. He further submits that co-accused namely Indradeo Paswan has been granted bail by a Coordinate Bench of this Court vide order dated 16.03.2021 in Cr. Misc. No. 37475 of 2020, another co-accused Dhunmun Paswan has been granted bail by a Coordinate Bench of this Court vide order dated 06.07.2021 in Cr. Misc. No. 38847 of 2020 and another co-accused Manoj Paswan has been granted bail by a Coordinate Bench of this Court vide order dated 27.07.2022 in Cr. Misc. No. 12517 of 2022. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 17.01.2021.

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

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Bihariganj P.S. Case No. 79 of 2020, with the following conditions :-

(1) Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers 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 petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation 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.

(Rajesh Kumar Verma, J)

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