

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33577 of 2022

Arising Out of PS. Case No.-71 Year-2020 Thana- KUMAR KHAND District- Madhepura

Tarni Paswan @ Chichay Paswan Son Of Late Bhumi Paswan R/O Village-
Bhairipur Under Gram Panchayat, Vaisadh, Ward No.-2, P.S.- Kumarkhand,
District- Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-09-2022 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 the learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offence under Sections 147,148,149,323,307,379,504,506 of the Indian Penal Code.

Allegation against the petitioner is that he assaulted to the husband of the informant by means of Farsa due to which he became injured and fell down.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been



implicated in the present case. Further submits that the present case is counter blast of Kumarkhand P.S.Case No.70 of 2020 lodged by the petitioner's side against the family members of the informant. Further submits that it appears from the counter case that there is free fight from both sides and petitioner has also sustained injury over his head. Further submits that it appears from the FIR itself that there is no allegation of repetition of blow against the petitioner which shows that there was no intention to kill the husband of the informant. Further submits that the petitioner is next door neighbour of the informant and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 07.03.2022.

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

Considering the fact and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (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 Kumarkhand P.S.Case No.71 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, 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 antecedent, 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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