

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44740 of 2021

Arising Out of PS. Case No.-43 Year-2021 Thana- SHAMBHUGANJ District- Banka

TULSI PASWAN Son of Late Subodh Paswan Resident of Village - Malda,
P.S.- Shambhuganj, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Sevak Choudhary, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, A.P.P

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 11-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with
Shambhuganj P.S. Case No. 43 of 2021, for the offence
punishable under Sections 341, 323, 436, 427, 506 and 504/34
of the Indian Penal Code.

The prosecution case, in brief, is that on 17.02.2021,
the petitioner and other were going for idol immersion and
while they were passing by the house of the informant, the
informant protested against obscene song played by D.J upon
which co-accused Girish Paswan assaulted him with Lathi
causing injury on his head and Prince Paswan along with this
petitioner and other set the house of the informant on fire, due to



which the household things as well as Rs. 40,000/- of the informant were converted into ash. It is also alleged that petitioner and other also assaulted the informant by throwing bricks and stones.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that the allegation of setting ablaze the house of informant is against Prince Paswan. There is no overt allegation against the petitioner. The petitioner is in custody since 21.02.2021 as such the petitioner be released on bail.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. There is allegation of assault to have been committed by the petitioner and he was one of the members, who set the house ablaze of the informant.

Having heard the rival submissions of the parties, from perusal of the F.I.R. it appears that there is general and omnibus allegation against the petitioner of assaulting the informant and setting his house ablaze. There is no allegation of tampering the evidence or influencing the witnesses as well as there is no likelihood of the trial being concluded soon. The petitioner, above named, is directed to be enlarged on bail on



furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-IV, Banka in connection with Shambhuganj P.S. Case No. 43 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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