

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46233 of 2021

Arising Out of PS. Case No.-60 Year-2021 Thana- KHIJARSARAI District- Gaya

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GARIBAN PASWAN Son of Late Dhaneshwar Paswan Resident of Village -
Mandai, P.S. - Khizersarai, District - Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arghesh Kumar, Adv
For the Opposite Party/s : Mr.Satyendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-04-2022 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 341, 342, 323, 307, 379, 435, 504, 506, 34 of the Indian Penal Code and later on Section 302 IPC has been added.

The prosecution case, in short, is that all the six FIR named accused persons including the petitioner set Puwal of paddy on fire of the informant. When his father (victim) went to extinguish the fire all the six accused persons including the petitioner assaulted him by means of Khanti and Hasuli due to



which head of his father got injured and it started bleeding and he became unconscious and fell on the ground and due to said assault his father sustained injury on his chest also. When informant went to rescue his father then all the accused persons assaulted him also by means of Lathi, Danda, Khanti and Hasuli due to which his head also got injured and it started bleeding and he sustained injury on his hand also. Co-accused Renu Devi took out Rs. 500/- from his pocket. All the accused persons escaped by threatening him. Thereafter, he and his father was treated at P.H.C., Khizersarai, from where his father was referred to ANMMCH for treatment, where he was admitted in emergency ward.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case only on the basis of suspicion. He further submits that it appears from the FIR that the present FIR has been instituted only on the basis of the FIR i.e. Khizersarai P.S.Case No.57 of 2021 dated 02.03.2021 lodged by Renu Devi wife of co-accused against the informant and family members of the informant. He further submits that it appears from the present FIR that there is general and omnibus allegation against all the accused persons. There is no specific allegation of assault



against the petitioner and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 06.03.2021.

Learned A.P.P. 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/- (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 Khizersarai Police Station Case No.60 of 2021, 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.

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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