

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36328 of 2022**

Arising Out of PS. Case No.-260 Year-2019 Thana- DARBHANGA District- Darbhanga

SUNNY PASWAN @ SUNNY KUMAR PASWAN SON OF LATE DOMAN
PASWAN R/O- MOHALLA- LAXMISAGAR, P.S.- L. N. MITHILA
UNIVERSITY, DIST.- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ugranath Mallik, Advocate

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 16-09-2022 Heard learned counsel for the petitioner and learned
APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under Sections 147, 149, 341,
323, 324, 325, 307 of the IPC in connection with Town P.S.
Case No. 260 of 2019.

As per the prosecution story, the informant has
alleged that he was constructing his own house on the land with
the help of Government Scheme under ‘Rajiv Gandhi Yojana’
when it is alleged that all the accused persons tried to disrupt the
construction work and upon protest, it is further alleged that
they assaulted the informant causing grievous injury to him and



some of the members of the family.

Learned counsel for the petitioner submits that the petitioner is son-in-law of of Phulo Devi and he resides away from the place of occurrence and as such he has no role to play in the said alleged act attributed to the accused persons but only because of relations has been dragged.

Learned counsel for the State on the other hand submits that the injury as per the Sessions Judge record shows to be grievous and the petitioner despite the FIR being 2019 chose to walk into judicial custody only in 2022.

Taking into account the fact that there is no direct allegation against the petitioner, he is son-in-law of the accused persons, is in custody since 25.3.2022 and charge-sheet stands submitted but since he has delayed his entry in the judicial custody, this Court is inclined to grant him the privilege of bail after framing of charges.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Dharbhanga, in connection with Town P.S. Case No. 260 of 2019 subject to the following conditions:

(i) one of the bailors should be the family members of



the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/Ajay Singh

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