

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47469 of 2021

Arising Out of PS. Case No.-236 Year-2021 Thana- DAUDNAGAR District- Aurangabad

1. Satyendra Paswan Son Of Brijnandan Paswan @ Bijnandan Paswan Resident Of Village- Shamsdernagar, Vikas Tola, (Dushadh Toli), P.S.- Daudnagar, District- Aurangabad.
2. Raju Paswan Son of Brijnandan Paswan @ Bijnandan Paswan Resident of Village- Shamsdernagar, Vikas Tola, (Dushadh Toli), P.S.- Daudnagar, District- Aurangabad.
3. Raghu Paswan @ Raghunandan Paswan Son of Late Prasadi Paswan Resident of Village- Shamsdernagar, Vikas Tola, (Dushadh Toli), P.S.- Daudnagar, District- Aurangabad.
4. Gorakh Paswan @ Devnandan Paswan Son of Late Prasadi Paswan Resident of Village- Shamsdernagar, Vikas Tola, (Dushadh Toli), P.S.- Daudnagar, District- Aurangabad.
5. Rajendra Paswan Son of Late Shiv Ganesh Paswan Resident of Village- Shamsdernagar, Vikas Tola, (Dushadh Toli), P.S.- Daudnagar, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 13-07-2022 Let the defects, if any, be removed within four weeks from today.

Heard Mr.Birendra Kumar Singh, learned counsel
for the petitioners as well as Mr. N.K.Nirala learned
Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered in
connection with Daudnagar P.S.Case No. 236 of 2021 for



the offences punishable under Sections 147, 149, 341, 323, 441, 307, 504, of the Indian Penal Code and later on section 302 of the IPC was added.

As per the prosecution case, it is alleged that on 30.04.2021, while the informant was in her house, in the meanwhile, Raju Paswan made a call on her mobile started abusing thereafter, the informant with his father -in-law, son and others went to the house of the accused and made a complaint thereupon all the FIR named accused persons brutally assaulted the informant, his father-in-law and other person, later on, father-in-law of the informant succumbed to injuries.

It is submitted by the learned counsel for the petitioner that there is general and omnibus nature of allegation against all the accused persons including these petitioners and moreover, both the sides are Gotiyas and in fact, there was a free fight which had taken place between both the parties and due to which the deceased sustained some injuries. However, no specific allegation has been levelled against them. It is next submitted that all these petitioners are in custody for more than one year and



moreover, the investigation of the crime has already been concluded and the charge sheet has been submitted. It is next submitted that some of the accused persons namely, Shivnandan Paswan and Jay Paswan have been granted anticipatory bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 58679 of 2021 vide order dated 08.03.2022, copy of which has been placed

On the other hand, learned counsel for the State opposed the bail application of the petitioners and submits that occurrence has taken place in furtherance of common intention to cause death of the father-in-law of the informant.

Having heard the rival contentions of the parties and taking into consideration the general and omnibus nature of allegation against the petitioners. Further the petitioners having clean antecedent, are in custody for more than a year, apart from the fact that after completion of the investigation, charge sheet has been submitted, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of



learned Sub-Divisional Judicial Magistrate, Daudnagar at Aurangabad in connection with Daudnagar P.S.Case No. 236 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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