

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38542 of 2022

Arising Out of PS. Case No.-240 Year-2021 Thana- NAUBATPUR District- Patna

Chandan Paswan @ Chandan Kumar S/o Sanjay Paswan R/o village-
Chechual, P.S.- Naubatpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Praveen Kumar, Advocate.
For the Informant	:	Mr. Surya Nandan Kumar, Advocate.
For the Opposite Party/s	:	Mr. APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-10-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Praveen Kumar, learned counsel for the petitioner, Mr. Surya Nandan Kumar, learned counsel for the informant and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Sessions Trial no. 199 of 2022, arising out of Naubatpur P.S. Case No. 240 of 2021, for the offences punishable under Sections 147, 148, 149, 341, 323, 324 and 307 of the Indian Penal Code.

The prosecution case is based on the fardbayan of the informant alleging therein that on 19.04.2021 at about 10:00 am,



while the informant was sitting in the community hall, in the meantime all the accused persons variously armed with *Garasa* and *farsa* came and started assaulting due to which the informant sustained serious injury and became unconscious. It is also alleged that he was taken to the Primary Health Center and thereafter, he was referred to P.M.C.H., Patna.

It is submitted by the learned counsel appearing on behalf of the petitioner that from the FIR, it would be evident that the alleged occurrence took place on 19.04.2021, however, for the first time the fardbayan of the informant was recorded on 26.04.2021 and thereafter, the same was sent to the concern police station and substantive FIR was instituted on 11.05.2021 and as such it appears that entire prosecution is based on deliberation and afterthought. He further submitted that informant, who is injured in this case has made general and omnibus allegation against all the FIR named accused persons and no specific allegation has been attributed against anyone and considering this aspect of the matter, other co-accused persons having identical allegation have been allowed privilege of bail by the court below itself as is evident from the impugned order. However, the case of the petitioner has differentiated only on account of the fact that some of the witnesses, have stated



that the injuries of the injured are attributable to the petitioner. He also submitted that the petitioner having a man of fair antecedent, is in custody since 23.12.2021 and the reasons of occurrence is said to be a dispute in the game of playing card.

On the other hand learned counsel for the informant vehemently opposes the bail application and submitted that the witnesses have categorically stated that it is the petitioner, who has brutally assaulted the informant, causing serious injuries. He further submitted that family members of the petitioner having criminal antecedent.

Learned APP for the State also opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the general and omnibus nature of allegation, apart from the fact that the other co-accused persons having identical allegation has already been allowed privilege of bail by the court below itself and so far as the petitioner is concerned, he is in custody since 23.12.2021, having fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI, Patna, in connection with



Sessions Trial no. 199 of 2022, arising out of Naubatpur P.S.
Case No. 240 of 2021, subject to the condition that one of the
bailors will be the close relatives of the petitioner with further
conditions which are as follows:-

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

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

(iii) He 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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