

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70514 of 2021

Arising Out of PS. Case No.-12 Year-2020 Thana- ATHMALGOLA District- Patna

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GANAURI PASWAN @ GANORI PASWAN S/o Late Sita Paswan R/o
village- Chaksarvar, P.S.- Athmalgola, District- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 40776 of 2022

Arising Out of PS. Case No.-12 Year-2020 Thana- ATHMALGOLA District- Patna

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AKHILESH PASWAN Son of Rajeshwar paswan Resident of Village -
Chaksarbar, P.S.- Athmalgola, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 70514 of 2021)

For the Petitioner/s : Mr.Jay Ram Prasad

For the Opposite Party/s : Mr.Rabindra Kumar

(In CRIMINAL MISCELLANEOUS No. 40776 of 2022)

For the Petitioner/s : Mr.Binay Kumar Singh

For the Opposite Party/s : Mr.Syed Mojibur Rahman

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 28-09-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners seek bail in connection with
Athmalgola P.S. Case No. 12 of 2020 registered for the offences



punishable under Sections 147/ 149/ 323/ 325/ 307/ 333/ 353/ 385/ 342/ 504/ 506 of the Indian Penal Code.

As per prosecution case, there is allegation against the petitioners that they have attacked the chaukidar, Gautam Kumar. It is also alleged that petitioners and others attacked police party in the night and tried to snatch arms from them.

Learned counsel for the petitioners submits that petitioner Ganauri Paswan @ Ganori Paswan is in custody since 08.08.2020 and petitioner Akhilesh Paswan is in custody since 27.04.2022, as mentioned in the impugned order. Petitioners bear one criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. There is no specific allegation against the petitioners rather the same is general and omnibus in nature. He further submits that injury report of injured Gautam Kumar has been found simple in nature.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both



sides and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Barh, Patna in connection with Athmalgola P.S. Case No. 12 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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