

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43893 of 2022

Arising Out of PS. Case No.-483 Year-2021 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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1. ASHOK PASWAN S/o Late Manroop Paswan R/o village- Dostpur, P.S.-
Khajauli, District- Madhubani
 2. Arun Paswan S/o Late Manroop Paswan R/o village- Dostpur, P.S.-
Khajauli, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash
Mr. Gagan Deo Yadav, Advocates
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-11-2022 Learned counsel for the petitioners is permitted to
remove the defects, as pointed out by the office, if any, within a
period of four weeks from today.

Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case
registered for the offences punishable under Sections 341, 323,
376/511, 380, 452, 427/34 of the Indian Penal Code.

Allegation against the petitioners is that they entered
into the shop of complainant and outraged her modesty and tried
to commit rape.

Learned counsel for the petitioners submits that the



petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that the petitioners and complainant are gotiyas and due to land dispute the petitioners have been falsely implicated in the present case. He further submits that it appears from the complaint petition that the date of occurrence as alleged in the complaint petition is on 20.07.2021 but the present complaint was filed on 27.07.2021 after delay of seven days without giving explanation of delay. He further submits that the learned Court below took cognizance against the petitioners under Sections 341, 323, 354(B), 452, 427 and 504/34 of the Indian Penal Code and there is real apprehension of arrest in the present case. He further submits that in fact no such occurrence took place and the petitioners have been falsely implicated in the present case due to land dispute.

Learned APP for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Court below where the case is pending in connection



with C.R. Case No. 483 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

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

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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