

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44228 of 2022

Arising Out of PS. Case No.-47 Year-2022 Thana- DAUDNAGAR District- Aurangabad

Birja Paswan Son of Prahalad Paswan Resident of Village - Shamsheer Nagar,
P.S.- Daudnagar, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh, Advocate
For the State : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 25-11-2022 At the outset, learned counsel for the petitioner submitted that in the prayer portion, at page no.8, of the bail petition, inadvertently, year of police station case number has been wrongly typed as '2012' instead of '2022'.

Accordingly, learned counsel for the petitioner is permitted to make necessary correction during the course of the day itself.

Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State through virtual Court proceedings.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Daud Nagar P.S. Case No. 47 of 2022 registered for the offence under



Sections 147, 148, 149, 341, 323, 307, 353, 504 and 506 of the Indian Penal Code and, later on, Section 302 of the Indian Penal Code was added subsequently.

The accused/petitioner is named in the F.I.R. and is in custody since 28.01.2022.

The allegation against the petitioner is to deter police personnel, alongwith other co-accused persons, while visiting village of petitioner in connection with Daud Nagar P.S. Case No. 37 of 2022.

Learned counsel appearing on behalf of the petitioner submitted that specific allegation to assault police personnel is available against co-accused, namely, Poonam Devi, who is the wife of Dharmendra Paswan. It is submitted that there is no allegation surfaced against this petitioner, as regard to any overt act and only on the ground, being a co-villager and neighbourer of the main co-accused, petitioner has been apprehended in the present case, merely on the basis of suspicion. It is further submitted that similarly situated co-accused, namely, Rahul Kumar has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 18894 of 2022 dated 03.08.2022. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and,



moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as no overt act attributed against this petitioner rather same is specific against co-accused, namely, Poonam Devi coupled with the fact that chargesheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Daud Nagar P.S. Case No. 47 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII, Aurangabad/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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