

**IN THE HIGH COURT OF JUDICATURE AT
PATNA
CRIMINAL MISCELLANEOUS No.50923 of 2021**

Arising Out of PS. Case No.-132 Year-2021 Thana-
DURAULI District- Siwan

=====

=====

SAURABH KUMAR KUSHWAHA @ SAURABH
KUSHWAHA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

=====

with
CRIMINAL MISCELLANEOUS No. 53849 of 2021

Arising Out of PS. Case No.-132 Year-2021 Thana-
DURAULI District- Siwan

=====

=====

DILEEP RAJAK @ DILEEP KUMAR RAJAK

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

=====

with
CRIMINAL MISCELLANEOUS No. 55169 of 2021

Arising Out of PS. Case No.-132 Year-2021 Thana-
DURAULI District- Siwan



=====

=====

K. D. PASWAN @ KUMAR DEVENDRA PASWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

=====

Appearance :

(In CRIMINAL MISCELLANEOUS No. 50923 of 2021)

For the Petitioner/s : Mr.Bijay Prakash Singh, Adv

For the Opposite Party/s : Mr.Satyendra Narayan, APP
Singh

(In CRIMINAL MISCELLANEOUS No. 53849 of 2021)

For the Petitioner/s : Mr.Ranjan Kumar Dubey, Adv

For the Opposite Party/s:Mr.Brajendra Nath PandeyApp

(In CRIMINAL MISCELLANEOUS No. 55169 of 2021)

For the Petitioner/s : Mr.Ajay Kumar Pandey, Adv

For the Opposite Party/s:Mr.Ashok Kumar Singh, App

=====

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 05-05-2022 With consent of the parties, these cases have

been heard together and are being disposed of by this

common order.

Let the defects, if any, be removed within four

weeks from today.

Heard learned counsel for the petitioners as



well as learned Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered in connection with Darauli P.S.Case No. 132 of 2021 for the offences punishable under Sections 147, 341, 342, 323, 324, 307, 504 of the Indian Penal Code.

As per the prosecution case, it is alleged that on 28.06.2021 at about 10 a.m while the informant was going to home from his motorcycle, all the F.I.R named accused persons along with 4 to 5 unknown persons surrounded him and petitioner Dilip Rajak, K.D Paswan assaulted him by iron rod due to which he sustained injury and fell down. It is further alleged that other accused persons assaulted him on his head and chest by shoes and accused Raj Paswan and Aditya Kumar Singh snatched his valuables of Rs. 2.5 lacs and also snatched 25,000/- cash from his pocket. It is lastly alleged that petitioner Saurabh Kushwaha assaulted him with iron rod and looted his mobile and other articles.

It is submitted on behalf of the learned counsel



for the petitioner that though there is allegation of assault against all the three petitioners by iron rod but from the injury report, it transpired that only one lacerated injury has been found on the occipital region of head caused by hard and blunt substance and as such injury report does not corroborate the prosecution case. It is further submitted that during course of investigation, the statement of the informant was recorded by the police but no specific allegation has been levelled against any of the petitioners rather general and omnibus allegation attributed against all the F.I.R named accused and unknown persons. Apart from this , the statement of other witnesses have also been recorded but they have not specifically stated as to who has assaulted the informant rather general and omnibus allegation levelled against them. It is further submitted that there is allegation of snatching of valuable articles but surprisingly the F.I.R has not been instituted under section 379 of the Indian Penal Code. It is next submitted that all the petitioners have clean antecedent



and they are in custody for more than ten months. Apart from the fact that the investigation has been concluded and the charge sheet has already submitted in this case.

On the other hand, learned counsel for the State vehemently opposed the bail prayer and submits that the injury has found to be grievous in nature and on vital part of the body.

Having heard the rival contentions of the parties and taking into consideration the fact that injury report does not corroborate the prosecution case. Apart from the fact that in the further statement of informant as well as statement of other witnesses, no specific allegation has been levelled against any of the petitioners in as much as all the petitioners having clean antecedent and in custody for more than nine months and further there is no allegation of tempering and intimidating to the informant and other witnesses. Moreover, the investigation has already been completed and charge sheet has been submitted and other named accused have already been granted bail, let the



petitioners, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) each, with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st class, Siwan in connection with Darauli P.S. Case No. 132 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 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, their bail bonds will liable to be cancelled.

N.K/-

(Harish Kumar, J)

U		T	
---	--	---	--



