

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45248 of 2022

Arising Out of PS. Case No.-196 Year-2022 Thana- SASARAM MUFFSIL District- Rohtas

1. Sintu Paswan @ Santu Paswan Son Of Bhola Paswan R/O Village- Sita Bigha, P.S.- Sasaram (M), Dist.- Rohtas At Sasaram
2. Ravi Paswan Son Of Sheo Pujan Paswan R/O Village- Sita Bigha, P.S.- Sasaram (m), Dist.- Rohtas At Sasaram
3. Birendra Paswan Son Of Sheo Pujan Paswan R/O Village- Sita Bigha, P.S.- Sasaram (m), Dist.- Rohtas At Sasaram

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chhote Lal Mishra, Advocate
For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-11-2022 Learned counsel for the petitioners is permitted to remove the defect (s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147,149,323,325,307,504,506 of IPC.

Allegation against petitioner Nos.1 and 2 is that they assaulted to Satendar Choudhary with Lathi on his head and back and allegation against petitioner No.3 is that he assaulted



to Amin Chaudhary with Lathi and Butt of Katta on his Head causing injury on their head.

Learned counsel for the petitioners submits that petitioners have clean antecedent. They have falsely been implicated in the present case. Further submits that the present case is counter blast of Sasaram (Muffasil) P.S.Case No.193 of 2022 filed by Birendra Paswan against the informant and his family members. Further submits that the date of occurrence as alleged in the FIR is 22.04.2022 but the present FIR has been instituted on 25.04.2022 without any explanation of delay of three days and after institution of Sasaram (Muffasil) P.S. Case No.193 of 2022. Further submits that the allegation against petitioner Nos.1 and 2 is that they assaulted to Satendar Choudhary with Lathi on his head and back and allegation against petitioner No.3 is that he assaulted to Amin Chaudhary with Lathi and Butt of Katta on his head but the injury report of the injured persons suggests that injury No.1 is simple in nature and injury No.2 is reserved for opinion and the co-accused persons namely Uma Shankar Paswan, Niranjana Paswan, Karan Kumar, Narendra Paswan, Mahendra Paswan have been granted privilege of anticipatory bail by the learned court below itself vide order dated 10.06.2022 passed in A.B.P.No.1064 of 2022.



Learned A.P.P. for the State has vehemently 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 (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 Sasaram (Muffasil) P.S. Case No. 196 of 2022, 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 witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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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