

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47974 of 2022

Arising Out of PS. Case No.-343 Year-2019 Thana- BAKHARI District- Begusarai

Chandan Kumar Paswan, Son of Umesh Paswan Resident of Village - Ward no.5, Sonma, Sonwan, Garhpur, P.s.- Bakhri, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal, Advocate

For the Opposite Party/s : Mr. Rajesh Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 23-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks.

In the present case, the petitioner seeks bail in connection with Bakhri P.S. Case No. 343 of 2019 registered for the alleged offences under Sections 341, 323, 504, 307 and 34 of the Indian Penal Code and under Section 37(b)(c) of the Bihar Prohibition and Excise Act.

As per prosecution case, petitioner and other co-accused persons, armed with pistol and in inebriated condition, assaulted the informant with slaps, fists and butt of the pistol.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this

case under a ulterior motive by the informant. The allegation of assault by pistol butt is against co-accused person Rajkishore Sharma and Pravin Pal. No specific overt act has been attributed to this petitioner. The petitioner was never in drunken condition and was not found in drunken state any time during or after the occurrence. Injury report also falsifies the allegation of prosecution as only one injury was found on the person of the petitioner. Charge sheet has been submitted in this case and the petitioner is in custody since 19.05.2022.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner submitting that the petitioner has got criminal antecedent.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the nature of allegation and submission of charge sheet along with period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No. 2, Special Judge, Excise Court No. 2, Begusarai in connection with Bakhri P.S. Case No. 343 of 2019, subject to

the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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