

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57844 of 2021

Arising Out of PS. Case No.-542 Year-2020 Thana- MAHUA District- Vaishali

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Baleshwar Paswan S/o Late Jagdev Paswan @ Jagdan Paswan R/o Village-
Jahangirpur Salkhani, P.S.- Mahua, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-04-2022 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

The present application has been filed on behalf of the petitioner, above named, for grant of regular bail to the petitioner who has been made accused and put behind the bars in connection with Mahua P. S. Case No. 542 of 2020 registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

The prosecution case, as per the F.I.R., is that on 17.09.2020, the son of the informant went to the house of Baleshwar Paswan for taking due wages. Thereafter, it is alleged that because of some altercation, all the named accused persons including this petitioner tied the son of the informed with a pole and started beating him. On the information, the informant reached there and informed the Police, who reached at the place of occurrence and taken the injured to the Mahua Government



Hospital, who later on, succumbed to injury during the course of treatment.

It has been submitted by the learned counsel for the petitioner that there is no specific allegation of assault against this petitioner and only because of the fact that some wages were due with this petitioner, his name has been implicated with all the other accused persons. It is next submitted that the petitioner is having clean antecedent and he is in custody since 20.09.2020 and the co-accused namely Sudhir Paswan @ Sushir Paswan has already been granted bail by co-ordinate bench of this Hon'ble Court in Cr. Misc. No. 12247 of 2021 vide order dated 29.06.2021.

On the other hand, learned APP for the State submits that there was a dispute with regard to wages between the victim and the accused (the petitioner, Baleshwar Paswan) and due to which all the accused persons assaulted the deceased.

Having heard the rival submission made on behalf of the parties and taking into consideration this fact that there is general and omnibus allegation against all the 11 named accused persons and this petitioner is in custody since 29.09.2020, apart from the fact that the investigation has been concluded and charge-sheet has already been submitted, let this



petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Mahua P. S. Case No. 542 of 2020, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He 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, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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