

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58777 of 2021

Arising Out of PS. Case No.-245 Year-2021 Thana- BHABHUA District- Kaimur (Bhabua)

Mungeri Paswan Son of Late Sarju Paswan R/o Bhabua Ward No.25, P.O. and
P.S.- Bhabua, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Tripathy, Advocate.

For the Opposite Party/s : Mr. Dr. Indivar Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-04-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Bhabua P. S. Case No. 245 of 2021 registered for the offences punishable under Sections 341, 342, 323, 325, 307, 379 and 34 of the Indian Penal Code.

As per the prosecution case, it is alleged that on the date of occurrence, while the informant was going to purchase medicines, this petitioner along with 10 F.I.R. named accused persons and 10-15 unknown persons started assaulting him, due



to which, the informant suffered severe injury on the head and his hand also fractured. It is further alleged that the accused persons snatched Rs. 2700/- and his watch.

It has been submitted by the learned counsel for the petitioner that there is general and omnibus allegation and there is no specific allegation of any overt act against this petitioner. It is further submitted that the petitioner happens to be ward member of Ward No. 25 and the counter version of this case is also instituted by son of the co-accused Ganesh Paswan. It is next submitted that the injuries sustained to the informant have been found to be simple in nature (Annexure-2 to this petition). It is lastly submitted that co-accused persons, namely, Shashi Paswan and Pachchu Paswan @ Ajay Paswan have already been granted bail by this Court in Cr. Misc. No. 58172 of 2021 vide order dated 07.04.2021.

On the other hand, learned APP for the State opposes the bail application and submits that there is allegation of assault against this petitioner.

Having heard the submissions made on behalf of the parties and taking into consideration this fact that there is general and omnibus allegation and no specific allegation of overt act has been attributed to this petitioner apart from the fact that there is case and counter case and the injuries have been



found to be simple in nature. Let the 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, Kaimur at Bhabua in connection with Bhabua P. S. Case No. 245 of 2021, 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)

Shakir/-

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

