

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49275 of 2022

Arising Out of PS. Case No.-81 Year-2022 Thana- PANDAUL District- Madhubani

NATHUNI PASWAN S/o Jagarnath Paswan Resident of Village- Bhithi
Salempur, P.S.- Pandaul, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Advocate Mr. Ravi Prakash, Advocate Mr. Rajesh Kumar, Advocate
For the Opposite Party/s :		Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-12-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 143, 341,
323, 324, 307, 379, 504/34 of the Indian Penal Code and later
on Section 302 of the Indian Penal Code added.

According to prosecution case, as per F.I.R. it has been
alleged that all the F.I.R. named accused persons relating the
petitioner attack with various weapons on the informant. In the
meantime, father namely Bahru Paswan uncle Madh Paswan
and Ram Sakal Paswan came there and it has been alleged co-



accused Ranjit Paswan assaulted with Farsa on the head of Bahru Paswan and Sanjit Paswan assaulted with iron rod to Madh Paswan and Shivrath Paswan assaulted with Farsa on the head of Ram Sakal Paswan, Vishwanath Paswan assaulted with iron rod with the left hand of the Ram Sakal Paswan and Nathuni Paswan (petitioner) assaulted on the left hand of Paltu Paswan.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that there is case and counter case between the parties and during course of scuffle both sides have sustained injuries. He further submits that it appears from the F.I.R. that the F.I.R. is in two parts, in first part that there is general and omnibus allegation against all the accused persons including the petitioner and second part there is specific allegation of assault against the co-accused Ranjit Paswan and Vishwanath Paswan and so far as the petitioner is concern that there is allegation that the petitioner has assaulted the Paltu Paswan but the injury report of Paltu Paswan suggest that the injury is simple in nature and there is no specific allegation against the petitioner that he has assaulted the other persons as alleged in the F.I.R.



The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Pandaul P.S. Case No. 81 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-

1. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court



below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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