

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58830 of 2021**

Arising Out of PS. Case No.-26 Year-2021 Thana- DARBHANGA SADAR District-
Darbhanga

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Sogarath Paswan Son of Late Kishori Paswan Resident of Village - Ganauli,
P.S. - Sadar (Mabbi O.P.), District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 09-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within two weeks
of the complete start of the physical Court in normal course.

The petitioner seeks bail in connection with
Darbhanga Sadar (Mabbi O.P.) P.S. Case No. 26 of 2021
registered for the offence under Sections 147, 148, 149, 341,
323, 324, 307, 354(B), 379, 427 and 504 of the Indian Penal
Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 10.08.2021.

The allegation against the petitioner is to assault on
the head of the father of the informant with iron rod.

Learned counsel appearing on behalf of the petitioner



submitted that the occurrence is founded over previous neighbourhood enmity. It has further been submitted that the assault by the petitioner is not repeated, which negate the intention to kill. It has further been submitted that there is case and counter case between the parties due to previous land dispute. While arguing over the matter, it has also been submitted that the co-accused persons, who had assaulted the informant's father with knife having intention have already been granted bail by a learned Co-ordinate Bench of this Hon'ble Court vide order dated 23.11.2021 passed in Cr. Misc. No. 48852 of 2021. It has also been submitted that petitioner is a man of clean antecedent.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded that the alleged blow is not repeated on the part of the accused/petitioner.

Considering the facts and circumstances as mentioned above, as blow is not repeated without having intervening circumstances on the part of the petitioner which negate the intention to kill coupled with the fact that petitioner is a man of clean antecedent, let the petitioner, above named, is directed to be released on bail in connection with Darbhanga Sadar (Mabbi O.P.) P.S. Case No. 26 of 2021 on furnishing bail bond



of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga/Concerned Court, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be properly represented on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground duly supported by the documents.

(ii) That one of the bailors shall be the close relative of the accused/ petitioner like mother/father/sister/brother.”

Accordingly, I.A. No.1 of 2022 is disposed of in terms of the aforesaid order.

(Chandra Shekhar Jha, J)

Ankit/-

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