

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15368 of 2021

Arising Out of PS. Case No.-153 Year-2020 Thana- KARAHGAR District- Rohtas

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1. MITHILESH PASWAN @ KAMLESH PASWAN Son of Late Tribhuwan Paswan @ Tribheshwar Paswan Resident of Village- Tenduni, P.S.- Kargahar (Barahari O.P.), Distt- Rohtas at Sasaram
 2. Dinesh Paswan Son of Late Tribhuwan Paswan @ Tribheshwar Paswan Resident of Village- Tenduni, P.S.- Kargahar (Barahari O.P.), Distt- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Arvind Kumar Singh
For the Opposite Party/s	:	Mr. Md. Ataur Rahman
For the informant	:	Mr. Sunil Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 06-01-2022 Heard the learned counsel for the parties.

The application with respect to the petitioner no. 2
had earlier been withdrawn as having become infructuous.

The petitioner no. 1 seeks bail in anticipation of his
arrest in connection with Kargahar P.S. Case No. 153/2020
instituted for the offences under Sections 341, 323, 447,
387, 504, 506 and 34 of the Indian Penal Code.

The accusation against the petitioner is of having
demanded Rs. Two Lakhs from the informant, who is an
agent of the contractor who had been given the task of



constructing the village road. When that was refused, he was misbehaved with and was assaulted.

The learned counsel for the petitioner has submitted that the very averment in the First Information Report is incorrect as admittedly the maximum work of construction of the road is over. It is not understandable that after the execution of the work, such kind of demand would be put up by anybody. Apart from this, it has been submitted that the dispute lies somewhere else. He is a P.D.S. dealer and for his refusal to part with foodgrains for some reason or the other, there was an occurrence for which he had filed a case against the informant of the present case. The subject F.I.R. appears to be a fallout of the aforesaid dispute.

The learned counsel for the informant, on the other hand, has submitted that the petitioner has deliberately concealed the fact that he was earlier made accused in two other cases. It has also been submitted that there is a positive allegation of throttling the neck of the informant and the offences are non-bailable.



The learned counsel for the petitioner submits that as directed by this Court, a supplementary affidavit has been filed explaining the circumstance in which the two cases in which he was earlier made accused was inadvertently not mentioned in paragraph – 3 of the bail petition. He submits that earlier, he was made accused in two cases, namely, Kargahar P.S. Case No. 107 of 2020 and Kargahar P.S. Case No. 17 of 2011 for offences under Sections 307 and 379 of the I.P.C. respectively. In the former case, the petitioner no. 1 has been acquitted whereas in the second case, he is on bail and which case is of the year 2011.

Regard being had to the afore-stated background facts, the petitioner no. 1 is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sasaram, Rohtas, in connection with Kargahar P.S. Case No. 153/2020,



subject to the condition laid down under Section 438 (2) of
the Code of Criminal Procedure.

(Ashutosh Kumar, J)

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