

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51767 of 2022

Arising Out of PS. Case No.-150 Year-2022 Thana- PALANWA District- East Champaran

Akhilesh Paswan S/O Devi Paswan Resident of village- Musaharwa
(Bhelahi), P.S.- Palanwa (Bhelahi O.P.), District- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr .Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-12-2022 Let the defects, if any, be removed within four weeks
from today.

Heard Mr. Ajay Kumar, learned counsel for the
petitioner as well as learned Additional Public Prosecutor for the
State through video conferencing.

Petitioner seeks bail in a case registered in connection
with Palanwa (Bhelahi O.P) P.S Case No. 150 of 2022 for the
offences punishable under Sections 147,148,149, 341, 323, 324,
307, 379, 353, 332, 511,506 of the Indian Penal Code.

The prosecution case is based on a written report
filed by the informant alleging therein that on 14.07.2022,
while the informant along with other police official proceeded
to duty in the meantime, a pick-up-van containing cloths going
from India to Nepal was spotted by the informant on which the
accused persons started assaulting to the informant and other
officials by means of lathi, danda and sharp cutting weapons,



On alarm raised by other accused persons and smugglers, 40-50 persons came there and under the leadership of Dharmveer, they also assaulted the informant and others.

Learned counsel appearing on behalf of the petitioner submits that the FIR has been instituted against three named accused persons and 40-50 unknown persons including the petitioner. Further the accused Dharmveer against whom, there is allegation that under his leadership, the entire occurrence has taken place and the accused persons assaulted the informant and other police officials, he has been allowed bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 48142 of 2022 vide order dated 22.11.2022. He further drawn attention of this Court towards the injury report furnished by the Primary Health Centre, Bhelahi, Raxaul from which it appears that the police officials, who sustained injuries, have been found to be simple in nature. He next submits that petitioner having fair antecedent is in custody since 15.07.2022.

On the other hand, learned counsel for the State vehemently opposed the bail application.

Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that co-accused person under whose leadership the mob



assaulted the informant and other police officials has been allowed bail by learned co-ordinate bench of this Court. Moreover, investigation of the crime is complete and the charge sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Raxaul at Motihari in connection with Palanwa (Bhelahi) P.S Case no. 150 of 2022, subject to the condition that one of the bailors will be the close relatives 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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