

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.55977 of 2022**

Arising Out of PS. Case No.-57 Year-2021 Thana- BELCHHI District- Patna

1. Jano Paswan @ Manoj Paswan Son of Late Kailu Paswan R/V- Masatthu, P.S- Barh, Dist- Patna
2. Shailendra Paswan @ Shailu Son of Ram Awatar Paswan R/V- Masatthu, P.S- Barh, Dist- Patna

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Soni Srivastava, Sr. Advocate
Ms. Rachana Saraswati, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 16-12-2022 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by the Stamp Reporter within two weeks.

Heard learned counsel for the petitioners and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioners, in the present case, are seeking regular bail in connection with Belchhi P.S. Case No. 57 of 2021 registered for the offences punishable under Sections 147, 148, 149, 323, 307, 504 of the Indian Penal Code. They are in custody since 10.07.2022. Petitioner no. 1 has one criminal case on his head which arises out of the same occurrence and petitioner no. 2 has no criminal antecedent.

Learned counsel for the petitioners submits that as per



the prosecution story, on 16.07.2021 at about 06:00 A.M. when the informant and her husband went for a walk, Jano Paswan (petitioner no. 1) and Shailendra Paswan (petitioner no. 2), Dilip Paswan, Amar Lal Paswan, Vijay Paswan, Tiloki Paswan, Niranjana Paswan and Pawan Kumar surrounded them. Thereafter Jano Paswan (petitioner no. 1) assaulted on the head of the husband of the informant with a katta as a result of which he started bleeding and Shailendra Paswan (petitioner no. 2) opened fire to kill the husband of the informant but the shot did not hit him.

Learned counsel for the petitioners submits that the petitioner are innocent and have been falsely implicated in this case. Learned counsel submits that the injury report shows simple injury. It is submitted that the petitioners are in custody since 10.07.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Having regard to the facts and circumstances of the case wherein it is submitted that as per the allegations these petitioners have assaulted the husband of the informant, the injury found is simple in nature and the petitioners have remained in custody since 10.07.2022, investigation is complete



and at this stage, their presence may be secured in course of trial, this Court directs release of the petitioners above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Barh, Patna in connection with Belchhi P.S. Case No. 57 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

The application stands allowed.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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