

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72075 of 2021

Arising Out of PS. Case No.-191 Year-2020 Thana- SUPPI District- Sitamarhi

ACHHELAL PASWAN Son of Late Jagdish Paswan Resident of Village -
Bokatha, P.S.- Suppi, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Adv
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-01-2022 The present matter has been taken up for out of turn
hearing on the basis of motion slip filed by the petitioner on the
ground that the mother of the petitioner has died on 10.01.2022.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Supplementary affidavit has been filed on behalf of
the petitioner carrying out necessary corrections in para-2 and
18 of the bail petition and seeking permission to carry out the
same correction in the bail petition.

Accordingly, learned counsel for the petitioner is



permitted to make necessary correction in the bail petition as carried out in the supplementary affidavit.

Petitioner seeks bail in connection with Suppi P.S. Case No. 191 of 2020 registered for the offences punishable under Sections 147, 148, 149, 323, 307, 379, 327, 504, 506 of the IPC.

The gist of allegation as contained in FIR is that on the date of occurrence while informant was raising a wall at her land, all the accused persons including the petitioner armed with lathi, danda, iron rod came there and started demolishing the said wall. When the informant raised objection, the accused persons tried to assault her but somehow she managed to enter her house. Thereafter, all the accused persons entered her house and it is alleged that petitioner and co-accused Ram Bharos Paswan wrapped a gumcha around the neck of the informant and tried to kill her by strangulation. It is further alleged that co-accused Ramjas Paswan snatched a golden locket from her neck. Lastly, villagers came there and saved her.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. It is further submitted that the doctor who examined the informant



Premkanti Devi found injuries on her body in which only one injury has been found grievous in nature and except the aforesaid injury, all the injuries are simple in nature. Learned counsel further submits that present FIR is counter blast of Sitamarhi SC/ST P.S. Case No. 26 of 2020. It is further submitted that co-accused Ram Bharos Paswan has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 20.12.2021 passed in Cr. Misc. No. 21343 of 2021 and the petitioner is in custody since 23.09.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, be released on 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 Chief Judicial Magistrate, Sitamarhi in connection with Suppi P.S. Case No. 191 of 2020, subject to 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.

4. The learned court below shall verify the genuineness of factum of death of mother of the petitioner who died on 10.01.2022 from local police station before releasing the petitioner.

(Rajesh Kumar Verma, J)

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