

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14152 of 2023

Arising Out of PS. Case No.-183 Year-2020 Thana- PARAIYA District- Gaya

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RAMESH PASWAN @ RAMESH KUMAR S/O SHRI RAMADHAR
PASWAN R/v- Uprahuli, P.S.- Paraiya, District- Gaya (Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aaruni Singh, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and the

learned APP for the State.

The petitioner apprehends his arrest in connection with Paraiya P.S. Case No. 183 of 2020 instituted under Sections 447, 341, 323, 324, 308, 302/34 of the Indian Penal Code lodged on 25.07.2020 by the informant Faresh Paswan.

As per the prosecution story, the informant Faresh Paswan was standing at his door on 25.07.2020 at about 07.00 AM. In the meantime, Ramashish Paswan, Ramadhar Paswan and Srikant Paswan came and started abusing the informant's uncle Indradeo Paswan and when the informant protested, all the above named accused persons assaulted him by '*Bhala*' which caused injuries on his head as well as on the right leg. The accused persons also assaulted informant's family members



when they tried to pacify the matter. The informant's brother Jitendra Paswan too was assaulted by the accuseds. Jitendra Paswan later succumbed to the injuries. Accordingly, the FIR.

It has been submitted by learned counsel for the petitioner that the occurrence took place in the district of Gaya. The petitioner at the relevant time was in employment in Patna at Nawneet Hospital, Phulwarisharif and by way of Annexure-2 Series has brought on record the certificate as also the CCTV footage of the petitioner to show that on the relevant date at 8 O'clock, he was seen working at the said Nawneet Hospital, Phulwarisharif. A certificate of the doctor (Mrs. Anupam Das) as also Dr. Abhishek Kumar has already been brought on record. Further submission is that the nature of allegation is omnibus.

Learned APP on the other hand opposes the prayer for anticipatory bail submitting that the allegation against him is of assaulting Jitendra Paswan along with other accused persons which ultimately led to his death.

The fact that the occurrence took place at 7 PM at Gaya which is around 110 km away from Patna whereas the petitioner as per the CCTV footage was present at the Nawneet Hospital, Patna at 8 PM on the same night, as also the fact that he do not have criminal antecedent and accepting the version of



the learned counsel for the petitioner Mr. Aaruni Singh that the photograph in CCTV footage indeed belongs to the petitioner Ramesh Paswan, this Court is inclined to grant him privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Paraiya P.S. Case No. 183 of 2020 to the satisfaction of learned Chief Judicial Magistrate Gaya, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner will make himself available to the police as and when required in course of investigation;

(iii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iv) the petitioner shall appear before the concerned



police station every fortnight for next six months to mark attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan/
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