

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13799 of 2023

Arising Out of PS. Case No.-583 Year-2022 Thana- BIDUPUR District- Vaishali

1. Shyam Babu Bhagat Son Of Ram Sabad Bhagat R/O Village- Mustafapur, P.S.- Bidupur, District- Vaishali
2. Sanjay Paswan @ Sanjay Bhagat Son Of Jay Kishun Paswan R/O Village- Mustafapur, P.S.- Bidupur, District- Vaishali
3. Heera Paswan Son Of Bhola Paswan R/O Village- Mustafapur, P.S.- Bidupur, District- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sabal Kumar Jha, Advocate
For the Informant	:	Mr. Ranjit Kumar Thakur, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-05-2023 Heard learned counsel for the petitioners, learned counsel appearing on behalf of the informant and learned Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since 10.12.2022 in connection with Bidupur P.S. Case No. 583 of 2022, F.I.R. dated 02.11.2022 for the offences punishable under Sections 147, 148, 149, 341, 447, 448, 323, 324, 307, 384, 504, 506 of the Indian Penal Code.

According to prosecution case, on 27.10.2022 at about 08:00 A.M. informant Surendra Pal was doing construction at the front side of his shop. In the meanwhile all the accused



persons including the petitioners and other 100 unknown persons armed with Kudal, sword, Farsa, Gadasa and Hasua came and order to stop the work or pay two lakh rupees as Rangdari. When informant denied to pay then Shyam Babu Bhagat with intention to kill him gave a Kudal blow caused injury on the head of informant and blood oozing out and thereafter Heromani Devi, who is wife of Shyambabu assaulted with sword on the head of informant which caused injury on his finger. On hulla Ganga Pal and Mukesh Kumar, who are elder brother and nephew of informant came to rescue him then other accused persons assaulted them also. Gajendra Bhagat assaulted with Farsa with intention to kill informant's elder brother Ganga Pal on his waist. It is further alleged that during scuffle Sanjay Paswan and Kaju Paswan assaulted with Gadasa and Farsa with intention to kill the nephew of informant, which caused an injury on his head and blood oozing out and Ratan Paswan also assaulted to nephew of informant thereafter Vijendra Paswan alias Bhulla, Sanjeev Paswan assaulted with sword and Hasua to Mukesh Kumar and Ganga Pal.

Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that the present case is



counter blast of the SC/ST P.S. Case No. 40 of 2022 which was filed by the petitioners side against the informant and his family members. He further submits that it appears from the F.I.R. that the date of occurrence as alleged in the F.I.R. is on 27.10.2022 but the present F.I.R. was instituted on 02.11.2022 after the SC/ST P.S. Case No. 40 of 2022 which was filed on 30.10.2022. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including these petitioners and there is specific allegation against petitioner No.1 namely, Shyam Babu Bhagat who assaulted the informant with the iron rod. He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioners are in judicial custody since 10.12.2022.

The learned counsel appearing on behalf of the informant and learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioners on the ground that petitioner no.1 carries two criminal antecedents, petitioner no.2 carries two criminal antecedents and petitioner no.3 carries one criminal antecedent other than the present one but fairly submits that petitioner no.1 is on bail in Biduypur P.S. Case No. 288 of 2011, petitioner no.2 is on bail in



Bidupur P.S. Case No. 288 of 2011 and 32 of 2022.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 583 of 2022, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 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.

(Rajesh Kumar Verma, J)

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