

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14715 of 2023

Arising Out of PS. Case No.-304 Year-2021 Thana- KALYANPUR District- East Champaran

Tufani Paswan @ Tafani Paswan S/o Ramashish Paswan @ Ramshish
Pasawan R/o Village- Alakhbani, P.S.- Kalyanpur, Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

02. Let the defect (s), if any, as pointed out by the
office be removed within a period of four weeks.

03. In the present case, the petitioner seeks bail in
connection with Kalyanpur P.S. Case No. 304 of 2021 registered
on 13.11.2021 for the alleged offences under Sections 341, 323,
325,354, 379, 307/34 of the Indian Penal Code.

04. As per prosecution case, during Chhath Festival,
the co-accused Sonu Paswan insisted on playing obscene songs
and when he was forbidden from doing so, he and other co-
accused persons including the petitioner, who were variously
armed, assaulted a number of persons from the informant's side,
causing various injuries to them.



05. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The specific allegation of assault is against co-accused Sonu Paswan, Motilal Paswan and Muntun Paswan. General allegation of assault is against the petitioner and other co-accused persons. There is no specific allegation against the petitioner for assault by means of weapon. The petitioner was not even present during the occurrence and moreover, the occurrence took place at the time of Chhath Festival due to playing of obscene song by co-accused Sonu Paswan and not by the petitioner. The petitioner is in custody since 14.10.2022 and charge-sheet has been submitted. The petitioner has got one criminal history, in which, he is on bail.

06. Learned APP for the State opposes the prayer for bail.

07. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there is no specific allegation against the petitioner and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like



amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihar in connection with Kalyanpur P.S. Case No. 304 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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