

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20110 of 2023

Arising Out of PS. Case No.-119 Year-2022 Thana- RAJPUR District- Rohtas

1. Dadan Ram @ Dadan Paswan Son of Late Ram Raj Paswan R/V- Nima, P.S-
Rajpur Dist- Rohtas
2. Malti Devi Wife of Dadan Ram R/V- Nima, P.S- Rajpur Dist- Rohtas
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-07-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since 23.09.2022 in connection with Rajpur P.S. Case No. 119 of 2022, F.I.R. dated 23.09.2022 for the offences punishable under Sections 147, 148, 149, 302, 337, 338, 504 of the Indian Penal Code read with Section 37(a) of Bihar Prohibition and Excise Amendment Act, 2022

According to prosecution case, in brief, is that on the alleged date of occurrence co-accused namely, Rajesh Paswan was abusing her husband in drunken condition. On opposed the accused persons including the petitioners started assaulting the informant's husband. During this incident, co-accused Rajesh Paswan assaulted the informant's husband on his head due to



which he became unconscious and during course of treatment he died.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and petitioners have not committed any offence as alleged in the F.I.R. He further submits that bare perusal of F.I.R. it appears that there is specific allegation of assault against the co-accused namely, Rajesh Paswan and there is no acquisition of any assault or over-act is attributed against these petitioners. He further submits that similarly situated, co-accused, namely, Sugriv Ram @ Amar Paswan has been granted bail by a co-ordinate Bench of this Court vide order dated 03.05.2023 passed in Cr. Misc. No. 8117 of 2023, another co-accused namely, Sarita Devi and Shyam Bihar Ram have also been granted bail by a co-ordinate Bench of this Court vide order dated 05.05.2023 passed in Cr. Misc. No. 11856 of 2023 and another co-accused namely, Sintu Devi has been granted bail by co-ordinate Bench of this Hon'ble Court vide order dated 18.05.2023 passed in Cr. Misc. No. 29777 of 2023. He further submits that the police after investigation submitted the charge sheet against these petitioners



and the petitioners are in judicial custody since 23.09.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

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 Exclusive Special Excise Court-2-cum-Additional District & Sessions Judge, Rohtas at Sasaram in connection with Rajpur P.S. Case No. 119 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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