

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23554 of 2023

Arising Out of PS. Case No.-177 Year-2022 Thana- MANIGACHI District- Darbhanga

1. ROOPA DEVI WIFE OF RAM KRISHNA PASWAN RESIDENT OF VILLAGE - RAJWARA, P.O. - NEHARA KOTHI, P.S. - MANIGACHHI, DISTT. - DARBHANGA
2. DEWKI DEVI @ DEVAKI DEVI @ DEWAKI DEVI WIFE OF SAKHI CHANDRA PASWAN @ SUKHI CHANDRA PASWAN RESIDENT OF VILLAGE - RAJWARA, P.O. - NEHARA KOTHI, P.S. - MANIGACHHI, DISTT. - DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kaushalesh Choudhary, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in connection with Manigachhi (Nehra O.P.) P.S. Case No. 177 of 2022 dated 29.12.2022 registered for the offence under Sections 147, 148, 149, 332, 333, 353, 188, 302, 307, 504, 283 and 120(B) of the Indian Penal Code.

As per the prosecution, the police were removing encroachment meanwhile all the F.I.R. named accused persons including the petitioners and 100-150 unidentified persons started pelting bricks on them as a result of which



of clean antecedent, which they sustained injuries and one home guard namely, Chet Narain Singh died due to brutal assault by the mob.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that it appears from the F.I.R. that altogether 42 persons including men and women have been made accused in this case and apart from that 100-150 unidentified persons have also been made accused for the alleged occurrence. It appears from the F.I.R. itself that no specific allegation of assault of any overt act is attributed to the petitioners rather there appears to be general and omnibus allegation of assault leveled against the accused persons including the petitioners. He further submits that similarly situated co-accused, Maqsood Alam @ Maqsood Alam, Shambhu Paswan, Babita Devi along with Kaushlya Devi have been granted bail by different co-ordinate Benches of this Court vide order dated 11.05.2023, 15.05.2023 and 05.04.2023 passed in Cr. Misc. No. 16708 of 2023, Cr. Misc No. 10588 of 2023 and Cr. Misc. No. 4166 of 2023, respectively. Besides that nine other co-accused have also



been granted bail by another co-ordinate Bench of this Court vide order dated 29.04.2023 passed in Cr. Misc. no. 2328 of 2023 along with Cr. Misc. No. 4563 of 2023. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioner is rotting in judicial custody since 30.08.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners 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 learned In-charge Additional Chief Judicial Magistrate-VI, Darbhanga in connection with Manigachhi (Nehra O.P.) P.S. Case No. 177 of 2022 with 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 canceled 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.

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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