

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25303 of 2023

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

1. Kishundeo Paswan S/O Late Ram Gulam Paswan @ Late Manauri Paswan Resident of Village- Nehra, Rajwara Kothi, P.S.- Manigachhi, District- Darbhanga.
2. Sudina Devi W/O Kishundeo Paswan Resident of Village- Nehra, Rajwara Kothi, P.S.- Manigachhi, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate
For the Opposite Party/s : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Petitioners seek bail who are in custody since 02.02.2023 in connection with Manigach (Nehra O.P.) P.S. Case No. 177 of 2022, F.I.R. dated 29.08.2022 for the offences punishable under Sections 147, 148, 149, 332, 333, 353, 188, 302, 307, 504, 283 and 120B of the Indian Penal Code.

According to prosecution case, the informant and other officials have started the process to clear encroachment



and then the petitioners along with other accused persons started throwing bricks on the police officials due to which 10-15 police persons became injured and the mob brutally assaulted the Home Guard driver who died during the course of treatment. It is further alleged that the mob damaged the official vehicle also.

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 from perusal of the F.I.R. it appears that there is general and omnibus allegation against all the accused persons including the petitioners and there is no specific allegation of assault or overt act attributed against the petitioners. He further submits that the police after investigation submitted the charge sheet against these petitioners. He further submits that similarly situated, co-accused, namely, Babita Devi has been granted bail by a Co-ordinate Bench of this Court vide order dated 05.04.2023 passed in Cr. Misc. No. 4166 of 2023 and another co-accused persons, namely, Gauraka Kumar Paswan, Anjula Devi, Mala Devi and Siya Devi and its analogous cases have been granted bail by a Co-ordinate Bench of this Court vide order dated 29.04.2023 passed in Cr. Misc. No. 2328 of 2023. The petitioners are in



custody since 02.02.2023.

The learned Additional Public Prosecutor 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 Additional Chief Judicial Magistrate V, Darbhanga in connection with Manigachi (Nehra O.P.) P.S. Case No. 177 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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