

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28205 of 2023

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

Bhagwat Paswan S/O Late Ram Gulam Paswan R/O Village- Nehara, P.S-
Manigachhi, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Kishor Prasad, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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

Petitioner seeks bail who is in custody since
17.09.2022 in connection with Manigachhi 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,
283/120B of the Indian Penal Code.

According to prosecution case, the police personnel
were removing encroachment meanwhile all the F.I.R. named
accused persons including this petitioner and 100-150 unknown
persons started pelting bricks on the police personnel due to



which they sustained injuries and one home guard died due to brutal assault by the mob.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that altogether 41 named and 100-150 unknown persons had started throwing bricks on the police party. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including the petitioner and there is no specific allegation of assault or overt act attributed against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Gauraka Kumar Paswan @ Gorkha Paswan @ Gorka Pawas and others 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 and another co-accused, namely, Babita Devi and another have 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. The petitioner is in custody since 17.09.2022.

The learned Additional Public Prosecutor has



vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate V, Darbhanga in connection with Manigachhi P.S. Case No. 177 of 2022, subject to the following conditions:-

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

2. If the petitioner tampers 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the



court below shall take step for cancellation of bail bond of the petitioner. 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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