

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30304 of 2022

Arising Out of PS. Case No.-24 Year-2019 Thana- CHHATAPUR District- Supaul

SHAMBHU PASWAN Son of Dayaram Paswan Resident of Village -
Karwana, P.s.- Chhatapur, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh

For the Opposite Party/s : Mr. Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 24-01-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with
Chhatapur P.S. Case No. 24 of 2019, registered for the
offences punishable under Sections 147, 148, 352, 149,
341, 323, 324, 307, 379, 504 and 506 of the Indian Penal
Code.

The prosecution case as emerges from the FIR is
that when the informant, namely, Sitaram Sah went to
ploughing his field, accused petitioner along with his
associates being armed with different weapons came there
and started assaulting his brother namely, Deep Narayan



Gupta and snatched some articles. It is also alleged that when the informant was going to police station to give information regarding the alleged occurrence and the accused petitioner gave a *farsa* blow on his head, due to which he sustained injuries. Allegation of threat to kill is also there.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that as per injury report, injury has been on nose or temple. He also submits that investigation in this case is complete and charge-sheet has already been submitted. He further submits that other co-accused, namely, Gayanand Paswan who has assaulted on head has already been enlarged on anticipatory bail by Trial Court.

He further submits that the petitioner has been languishing in jail since 02.03.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has moved this Court earlier for



grant of anticipatory bail vide Cr. Misc. No. 14556 of 2020.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. C.J.M, Supaul in connection with Chhatapur P.S. Case No. 24 of 2019 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police



officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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