

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40063 of 2023

Arising Out of PS. Case No.-142 Year-2022 Thana- RUDRAPUR District- Madhubani

=====

YOGENDRA PASWAN Son of Late Jageshwar Paswan Resident of village -
Batsara Sisauni, P.S. - Rudrapur, Distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Krishna Kant Tiwari, Adv.

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 11-09-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Rudrapur P.S. Case No. 142 of 2022 registered for the offence

under Sections 302/34 of the Indian Penal Code.

According the prosecution case, the petitioner

along with others are alleged to have assaulted the family

members of the informant by various means such as iron

rod, axe, Khanti due to which two of the family members

have sustained injuries and taken to the hospital. Specifically

the petitioner is alleged to have inflicted axe blow upon the

head of the injured.

Learned counsel appearing for the petitioner



submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that there is general and omnibus allegation against the petitioner and no specific allegation of assault is attributed to him. He further submits that on bare perusal of the F.I.R., it appears that the petitioner allegedly inflicted axe blow due to which head was exploded but it is not clear from the F.I.R. that as to whom the petitioner has inflicted the axe blow. He further submits that it would be evident from the F.I.R. itself that several persons altogether 15 in numbers have been made accused in this case for the alleged assault by means of iron rod, axe and khanti and it is difficult to ascertain that as to who has inflicted injury to the deceased causing his death. He further submits that the postmortem report suggest that the cause of death of the deceased is due to hemorrhage and shock and the brain injury of the deceased is opined to be caused by a hard and blunt substance whereas the petitioner is alleged to have inflicted axe blow which would cause sharp cutting injury. Moreover, co-accused, Mishri Paswan @ Mishri Lal Paswan and Baleshwar Paswan and Shatrughan Paswan have already been granted bail by a co-ordinate Bench of this Court vide



order dated 03.05.2023, 16.05.2023 and 21.06.2023 passed in Cr. Misc. No. 9508 of 2023, Cr. Misc. No. 11590 of 2023 and 31821 of 2023, respectively. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 22.10.2022.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Chief Judicial Magistrate, Jhanjharpur in connection with Rudrapur P.S. Case No. 142 of 2022 corresponding to G.R. No. 1459 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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)

brajesh/-

U		T	
---	--	---	--

