

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40355 of 2023

Arising Out of PS. Case No.-5 Year-2023 Thana- RAHIKA District- Madhubani

1. VIJAY KUMAR PASWAN @ VIJAY PASWAN @ GOVIND PASWAN SON OF LATE SAGUN LAL PASWAN RESIDENT OF VILLAGE-MALANGIYA, P.S -RAHIKA ,DISTRICT- MADHUBANI
2. RAM SAGAR PASWAN @ DHAYANI SON OF VIJAY KUMAR PASWAN @ VIJAY PASWAN @ GOVIND PASWAN RESIDENT OF VILLAGE-MALANGIYA, P.S -RAHIKA ,DISTRICT- MADHUBANI
3. PANKAJ KUMAR PASWAN @ PANKAJ PASWAN SON OF VIJAY KUMAR PASWAN @ VIJAY PASWAN @ GOVIND PASWAN RESIDENT OF VILLAGE-MALANGIYA, P.S -RAHIKA ,DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate
For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioners apprehend their arrest in connection with Rahika P.S. Case No. 05 of 2023 for the offence punishable under Sections 147, 148, 341, 323, 324, 325, 307, 379, 504, 506 of the I.P.C lodged on 12.01.2023 by the informant Dhukhi Yadav.

As per the prosecution story, it is alleged that the accused person took Rs. 6,000/-, the cost of the wood but sold it to some other person and when a demand was made, the assault.



The allegation against petitioner no. 1 is of giving '*farsa*' blow on the head of the Ramayan Yadav while petitioner no. 2 gave '*iron rod*' blow again on the head.

Taking into account the aforesaid fact so far as petitioner nos. 1 and 2 are concerned, their anticipatory bail stands rejected.

So far as the petitioner no. 3 Pankaj Kumar Paswan @ Pankaj Paswan is concerned, considering the fact that omnibus allegation is against him, he do not have criminal antecedent and he is only 19 years of age, this Court is inclined to extent him privilege of anticipatory bail with conditions:-

If the petitioners no. 1 and 2 surrender before court below and pray for bail, the same shall be disposed of on the same day.

Let the petitioner no.3, Pankaj Kumar Paswan @ Pankaj Paswan, in the event of his arrest or surrender within a period of four weeks from the date of the receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned C.J.M., Madhubani, in connection with Rahika P.S. Case No. 05 of 2023, subject to condition as laid down under Section 438(2) of the Cr.P.C.



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner no.3 shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner no.3 shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner no.3 shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Jagdish/Jyoti/-

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