

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40522 of 2023

Arising Out of PS. Case No.-94 Year-2023 Thana- FATUA District- Patna

BIPIN PASWAN @ BIPIN KUMAR Son of Ajay Paswan Resident of village
- Jafrabad, P.s. - Fatuha, Distt. - Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ritwik Thakur, Advocate
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-07-2023 Heard Mr. Ritwik Thakur, learned counsel for the
petitioner and the State.

The petitioner is in custody in connection with Fatuha
P.S. Case No. 94 of 2023 for the offence under Sections 323,
341, 307, 379 and 504/34 of the Indian Penal Code lodged on
02.02.2023 by the informant, Saroj Devi.

The prosecution case, in brief, is that the informant
namely Saroj Devi had alleged that her 'Gotiya' Uday Paswan
had sown maize crops over the land of the informant. On
03.03.2023, when the informant asked the informant about the
reason for sowing Maize crops over the land of the informant
then Ajay Paswan abused the informant and assaulted him with
iron rod. When the informant and his 'Dewar' Niranjan Paswan,
nephew Dheeraj Paswan came to save informant's husband



Shambhu Paswan the Bipin Paswan, Kanhai Paswan, Uday Paswan, assaulted the informant and others with iron rod, Gaurav Paswan and Gautam Paswan caught hold the informant's 'Gotani' Sanju Devi and pushed her on the ground by catching her hair and subsequently they snatched golden chain of Informant's Gotani. Accordingly, the F.I.R.

It has been contended by the learned counsel for the petitioner though injury against Shambhu Paswan has been found to be grievous in nature, there is omnibus allegation against all the accused persons. There is a case and counter case, the informant side having Hathua P.S. Case No. 95 of 2023, they are agnates, the petitioner do not have any criminal antecedent and has already suffered by being in custody since 11.03.2023 (as stated in paragraph 15 of the petition).

Further the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner (s) on its own would like to contribute towards the medical assistance of Rs. 15,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.



Learned APP opposes the prayer for bail.

Taking into account the period of custody and the petitioner do not have criminal antecedent, this Court is inclined to grant him privilege of bail subject to payment of Rs. 15,000/- as stated above.

Let the petitioner 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 A.C,J.M-1, Patna City, in connection with Fatuha P.S. Case No. 94 of 2023 subject to the following conditions:

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

(ii) the petitioner 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 shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner 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;

(v) the petitioner 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 application is allowed.

(Rajiv Roy, J)

Jagdish/Kiran/-

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