

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41723 of 2022

Arising Out of PS. Case No.-399 Year-2020 Thana- BARACHATTI District- Gaya

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SANDEEP PASWAN @ SANJIT PASWAN Son of Gobind Paswan Resident
of Village - Kohibati, P.S.- Barachatti, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajit Ranjan Kumar

For the Opposite Party/s : Mr.Lalan Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 30-01-2023 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Barachatti P.S. Case No. 399/2020 registered for the offences
punishable under Sections 341, 323, 307, 506, 504/34 of the
Indian Penal Code.

As per prosecution case, allegation against the
petitioner is that he alongwith other co-accused armed with
firearms concertedly assaulted the informant's son by means of
butt of pistol causing head injury. It is alleged that they took
away Rs.5,000/- from the pocket of his injured son.

Learned counsel for the petitioner submits that



petitioner is innocent and has falsely been implicated in this case. The petitioner is languishing in custody since 21.04.2022 and bears criminal antecedent of one case. No incriminating articles has been recovered from the possession of the petitioner. He further submits that there is no specific overt-act against the petitioner and the allegations alleged in the FIR are general and omnibus in nature. He further submits that injuries are simple in nature. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sherghati, Gaya in connection with Barachatti P.S. Case No. 399/2020, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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