

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45671 of 2022

Arising Out of PS. Case No.-12 Year-2022 Thana- KHIRHAR District- Madhubani

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Ram Bharosh Paswan, aged about 45 years (Male), Son of Ram Kishun Paswan, Resident of Village - Hisar, P.S.- Khirhar, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate
For the State : Mr. Rajiv Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 13-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Shailendra Kumar Jha, learned counsel appearing on behalf of the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Khirhar P.S. Case No. 12 of 2022, registered for the offences punishable under Sections 143, 341, 323, 325, 308, 379, 447, 504 and 506/34 of the Indian Penal Code and later on Section 302 of the Indian Penal Code was added.

The prosecution case is based on the fardbeyan of the informant alleging therein that on 21.01.2022 he received an information that co-accused Ashok Paswan has taken away his



belongings and when the same was resisted, all the accused persons armed with various weapons, present there, started assaulting the informant and his family members with *lathi*, *danda* and *khanti*. It is specifically alleged that this petitioner assaulted the father of the informant by means of *khanti* due to which he sustained serious injuries on his hand. There is other allegation, *inter alia*, the accused persons took away the golden chain and set ablaze the wood kept in his house.

Learned counsel appearing on behalf of the petitioner submits that from the FIR, it is evident that there is general and omnibus allegation against all the accused persons who have assaulted the informant and his family members. So far as the petitioner is concerned, allegedly he assaulted the father of the informant by means of *khanti* over his hand which is not a vital part of the body. He next submits that in fact on account of various other injuries the father of the informant was referred to the hospital where his treatment was done, however, due to some reasons, unknown, he died after 17 days of the alleged occurrence. He next submits that there is a counter version of the present case being Khirhar P.S. Case No. 13 of 2022 instituted by co-accused Ashok Paswan and from both the FIRs it is evident that on account of land dispute free fight has taken



place resulting into injuries to the persons of both the sides, however, the prosecution has failed to explain the injuries sustained to the persons of the accused side. He lastly submits that the petitioner is a man of fair antecedent, is in custody since 13.04.2022 and he is ready to abide by all the terms and conditions as would be imposed by this Court.

On the other hand, learned APP for the State opposed the bail application and submits that there is specific allegation levelled against the petitioner.

Regard being had to the submissions made on behalf of the parties and considering the nature of allegation in the background of the land dispute, apart from the counter version of the present case, coupled with the period of custody and fair antecedent, let the petitioner, named above, 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 Sub-divisional Judicial Magistrate, Benipatti, Madhubani in connection with Khirhar P.S. Case No. 12 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the



trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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