

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47055 of 2023

Arising Out of PS. Case No.-174 Year-2020 Thana- BAKHTIYARPUR District- Patna

Raju Paswan @ Raju Kumar Son Of Shyambabu Paswan Resident Of
Village- Mahamodpur, Ps- Bakhtiyarpur, Dist- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Gyanendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner, in the present case, is seeking pre-arrest bail in connection with Bakhtiyarpur P.S. Case No. 174 of 2020 registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504, 506/34 of the Indian Penal Code. He has no criminal antecedent as stated in paragraph '3' of the application.

3. As per the prosecution story, the informant has alleged that on 11.03.2020 for destroying his hut, he had slapped one Rocky Kumar, thereafter the accused persons came with sword and iron rod and assaulted the informant on his head due to which two injuries were caused on his head and another injury caused on the elbow.

4. Learned counsel for the petitioner submits that



there are general and omnibus allegation against the petitioner, there is specific allegation against co-accused Amarnath Paswan that he had assaulted by sword on the head of the informant. The said Amarnath Paswan has been granted anticipatory bail by learned coordinate Bench of this Court in Cr. Misc. No. 49107/2021.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances of the case wherein it is submitted that there are general and omnibus allegation against seven named accused persons in the F.I.R. that all of them had come lashed with sword and iron rod and they had assaulted the informant, there is specific allegation against co-accused Amarnath Paswan that he had assaulted by sword on the head of the informant but the nature of weapon allegedly used by said Amarnath Paswan did not support the kind of injury suffered by the informant as also learned coordinate Bench of this Court has granted him privilege of anticipatory bail in Cr. Misc. No. 49107/2021, petitioner is one amongst the seven named persons in the F.I.R., he has otherwise no criminal antecedent, therefore, this Court directs that in case of his arrest/surrender within a period of four weeks from today,



let the petitioner above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Barh, Patna in connection with Bakhtiyarpur P.S. Case No. 174 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. 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.

(Rajeev Ranjan Prasad, J)

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