

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53430 of 2022

Arising Out of PS. Case No.-96 Year-2022 Thana- ADAPUR District- East Champaran

Modelal Paswan S/O Jay Nath Paswan @ Jay Nath Hajra Resident Of
Village- Dhabadhabwa, P.S.- Adapur, District- East Champaran, Motihari.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 16-02-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioner undertakes to
remove the defect (s), as pointed out by the office, within a period
of four weeks.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 147, 148,
149, 341, 323, 324, 325, 354(B), 307, 379, 504 and 34 of the
Indian Penal Code.

Allegation against the petitioner is that he along with
other accused persons entered into the house of the informant and
assaulted the informant and his family members. Allegation
against the petitioner is that when Vivek Kumar came to save the
informant, petitioner gave *farsa* blow on his head, causing cut
injury.

It is submitted by learned counsel for the petitioner



that no such occurrence as alleged ever took place. He has been falsely implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He also submits that the injury on Vivek Kumar is simple in nature. Similarly situated co-accused persons have been enlarged on bail by a co-ordinate bench of this court vide order dated 14.02.2023 passed in Cr. Misc. No. 53852 of 2022. Petitioner has one criminal antecedent as mentioned in para 3 of the bail application.

Learned counsel for the State opposes the prayer for bail.

Having regard to the facts and circumstances of the case and the fact that injury found on Vivek Kumar is simple in nature, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Adapur P.S. Case No. 96 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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