

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56961 of 2023

Arising Out of PS. Case No.-1040 Year-2022 Thana- MADHEPURA District- Madhepura

Rajendra Paswan @ Bhutan Paswan @ Bhutan S/O- Late Govind Paswan
R/O- Bhirkhi, Ward No.- 25, P.S.- Madhepura, Dist.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Advocate.

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-08-2023 At the outset, learned counsel for the petitioner seeks permission to make necessary correction in paragraph no.1 and the prayer portion of the bail petition.

2. Permission is accorded.

3. Learned counsel for the petitioner is directed to make aforesaid correction in the bail petition during the course of the day.

4. Heard Mr. Pawan Kumar, learned counsel for the petitioner and learned APP for the State.

5. The Petitioner is apprehending his arrest in connection with Madhepura P.S. Case No.1040 of 2022, registered for the offences punishable under Sections 341, 323, 325, 307, 385, 379, 504, 506, 34 of the Indian Penal Code.

6. Allegedly, while the informant was coming on his



motorcycle, in the meanwhile, all the accused persons intercepted him and assaulted by means of *lathy* and *danda* and also snatched the valuables. It is specifically alleged that on the exhortation made by this petitioner, all the accused persons have assaulted him and subsequently, this petitioner also assaulted the informant by fist and kicks.

7. Learned counsel appearing on behalf of the petitioner submits that the petitioner is retired railway employee aged about 68 years and only he being head of the family members, his name has been implicated in this case by making an allegation of exhortation. He further drew the attention of this Court to Annexure-P/3 of the petition and with reference thereto he submits that all the injuries appear to be bruises and lacerated caused by hard and blunt substance, though the opinion is reserved till date. There is no specific allegation of any overt act against this petitioner. That apart, he is a man of fair antecedent and he undertakes that he will fully cooperate in the investigation or in the proceedings of the Court.

8. On the other hand learned APP for the State vehemently opposes the bail application.

9. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and



the fact that the petitioner is a retired employee, aged about 68 years, coupled with the fact that there is, *prima facie*, no serious injuries found upon the person of the informant, 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 four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhepura in connection with Madhepura P.S. Case No.1040 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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