

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58052 of 2023

Arising Out of PS. Case No.-466 Year-2018 Thana- BAKHTIYARPUR District- Patna

PRAHALAD PASWAN SON OF CHANDAN PASWAN RESIDENT OF
VILLAGE - BADKI MAHAMADPUR, P.S. - BAKHTIYARPUR,
DISTRICT - PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Pramod Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-09-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is in judicial custody in connection with Bakhtiyarpur P.S. Case No. 466 of 2018 registered under Sections 147, 148, 149, 341, 323, 354, 307, 379, 427, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act lodged on 11.09.2018 by the informant, Sunil Kumar Singh.

As per the prosecution story, altercation took place between the informant and one Monu Yadav relating to fare of the Auto whereafter, he along with around three dozen people came to the village of the informant and assaulted



the informant and other friends who were playing ludo. However, when the police patrolling party came, they fled away. Accordingly the FIR.

It is the case of the petitioner that omnibus allegation has been made against the accused persons, altercation has been alleged to be between Gonu Yadav and the informant, he is only a member of the mob, some others have been granted bail in Cr. Misc No. 17576 of 2019 (Sanjay Paswan & Others), Cr. Misc. No. 82878 of 2019 (Jitendra Paswan & Anr.) and Cr. Misc. No. 9524 of 2020 (Lalit Paswan & Ors.) respectively.

Learned APP opposes the prayer stating that in a matter of 2018 the petitioner has knocked to the doors of Patna High Court five years later.

It is true that the petitioner has delayed coming into judicial custody, considering that omnibus allegation is there, he do not have criminal antecedent, is in custody since 26.05.2023 (as stated in paragraph-19 of the petition) and similar situate co-accuseds have since been extended the privilege of bail, this Court is inclined to grant him privilege of bail



Considering that omnibus allegation is there, he do not have criminal antecedent, he is in custody since 25.05.2023 (as stated in paragraph-13 of the petition) and similar situated co-accused has since been extended the privilege of bail, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-III, Barh, Patna in connection with Bakhtiyarpur P.S. Case No. 466 of 2018 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months



to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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