

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60204 of 2023

Arising Out of PS. Case No.-428 Year-2023 Thana- JAHANABAD District- Jehanabad

Satyendra Paswan @ Satyendra Kumar S/O Dinesh Paswan R/O Village-
Bazar Tali, P.S- Jehanabad, (KALPA), O.P., Distt.- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Saxena, Advocate

For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-10-2023 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 Jehanabad (Kalpa) O.P. P.S. Case No. 428 of 2023 registered for the offences punishable under Sections 341, 323, 324, 307, 447, 504 and 34 of the Indian Penal Code. He has got one criminal antecedent.

3. As per the prosecution story, on 08.05.2023 at 2:00 am, while the informant along with his wife was sleeping, he heard some sound and when he went to check he saw this petitioner along with other accused persons variously armed had entered his house by breaking wall. It is alleged that when the informant tried to raise alarm, all the accused persons assaulted him by deadly weapons and when his son came to his rescue,



this petitioner assaulted him by means of *khanti* on head and hand due to which he suffered injury. The accused persons also assaulted informant's wife and took away ornaments, cloths and cash Rs. 20,000/- and when the villagers gathered, all the accused persons fled away and the informant along with his family members was taken to Jahanabad Hospital for treatment.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner and the informant are agnates, petitioner is nephew of the informant. There is a family dispute going on between the parties and there is a case and counter case between the parties also and to coerce the petitioner, the present false case has been instituted in which this petitioner is said to have assaulted Ram Ekbal (informant's son) but there is no injury report of the injured.

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

6. Having regard to the submission that this petitioner is the nephew of the informant, there is family dispute in which the petitioner has been falsely implicated, the allegation against him is that he has assaulted Ram Ekbal but there is no injury report of Ram Ekbal and there is also a counter case, in fact the



case lodged by the petitioner's side is prior in time, in the circumstances, this Court directs that in case of his arrest or surrender within a period of six weeks from today, the petitioner above named be released on bail in connection with Jehanabad (Kalpa) O.P. P.S. Case No. 428 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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