

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57161 of 2022

Arising Out of PS. Case No.-100 Year-2021 Thana- KHIJARSARAI District- Gaya

NITISH PASWAN Son of Shabhu Paswan, Resident of Village- Khudai, P.S.-
Khizarsarai, District- Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Shantanu Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 341, 323, 307, 504, 506 and
34 of the Indian Penal Code.

As per F.I.R., there is allegation against the petitioner
that he along with other accused persons in furtherance of
common intention, attempted to commit murder of the son of
the informant.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that as per
F.I.R. the allegation against the petitioner and other accused
persons that they have assaulted the son of the informant.



Learned counsel for the petitioner submits that the treatment of the son of the informant held in Primary Health Centre, Khizarsarai, Gaya. In-charge of Primary Health Centre, Khizarsarai, Gaya submitted the injury report, the injury report suggests that the injury is simple in nature. After giving the injury report simple in nature, again the in-charge of Primary Health Centre, Khizarsarai submitted the report and stated therein that the injury is grievous in nature. The police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 17.04.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Khizarsarai P.S. Case No. 100/2021, subject to the following conditions:-

- 1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his*



bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

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