

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58552 of 2022

Arising Out of PS. Case No.-66 Year-2022 Thana- CHERIYA BARIYARPUR District-
Begusarai

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1. Randhir Kumar @ Randhir Paswan Son of Late Ramlakhan Paswan R/V-
Thatha, Panchayat Sahpur, P.S- Cheirya Bariyarpur, District- Begusarai
 2. Shashi Kumar @ Sahshi Kumar Paswan @ Sahshi Paswan Son of Ishwar
chandra Paswan @ Ishwar chand Paswan Reisent of village- Thatha,
Panchayat Sahpur, P.S- Cheirya Bariyarpur, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate
For the Opposite Party/s : Mr.Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioners are apprehending arrest in
connection with Cheriya Bariyarpur P.S. Case No. 66 of 2022
under sections 341, 323, 307, 354, 506, 34 of the Indian Penal
Code.

As per the prosecution, on the eve of 'Holi', the
petitioners in a drunken state firstly made comments to the
female inmates and the specific allegation against the petitioner
no.2 is of using sickle type weapon, causing injury to



Dharmendra Paswan near his right eye. Accordingly, the FIR.

Learned counsel for the petitioners submit that against petitioner no.1 only allegation of abuse is there.

So far as the petitioner no.2 is concerned, although there is allegation of assault, the injury was found to be simple and he just passed out graduation and is preparing for exam, sending him jail may affect his future.

Further submission is that irrespective of outcome of the present case, the petitioners would like to give medical assistance of Rs. 15000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of the concerned Court to be handed over to the informant after checking the credential and further Rs. 5000/- to the Chief Minister's Relief Fund, Bihar.

The learned APP opposes the prayer for bail stating that the allegation against the petitioner no.2 is of assault.

Taking into account the aforesaid facts narrated by the petitioners as also they will be cooperating in the investigation and facing the trial, this Court is inclined to grant them the privilege of anticipatory bail subject to payment of Rs 15,000/- as also Rs. 5000/- as stated above with conditions as follows:



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

(ii) the petitioners shall co-operate in the investigation and make himself available to the police as and when required;

(iii) the petitioners 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 their bail bond by the Trial Court itself;

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(v) the petitioners 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 the bail bonds;

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

Let the petitioners be released on bail, in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/-



(Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Manjhaul, in connection with Cheriya Bariyarpur P.S. Case No. 66 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

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