

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60720 of 2022

Arising Out of PS. Case No.-336 Year-2022 Thana- BIDUPUR District- Vaishali

-
1. ANUTHIYA DEVI, Wife of Kapil Paswan, R/V- Chakhasan Chakausan, P.S- Bidupur, Dist- Vaishali
 2. Subodh Paswan, Son of Kapil Paswan, R/V- Chakhasan Chakausan, P.S- Bidupur, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. S. K. Lal, Advocate

Mr. Nityanand, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 01-02-2023 Heard learned counsel for the petitioners and the learned
APP for the State.

The petitioners seek bail in connection with Bidupur P.S.
Case No. 336 of 2022 registered for the offence punishable under
Sections 147, 148, 149, 341, 323, 324, 325, 302, 504 and 506 of the
Indian Penal Code.

It is alleged that based on subsisting rivalry, one Kapil
Paswan along with nine named and ten unknown persons has
indiscriminately assaulted the informant and his family members.

Learned counsel for the petitioners submits that from the
FIR it is obvious that the specific assault has been alleged against
Munarik Paswan, Satyendra Paswan, Rajdeo Paswan, Kapil Paswan
and Manoj Paswan. There is no specific assault attributed to the



petitioners. Petitioner No. 1 is female aged about 50 years and has been made an accused because she happens to be wife of co-accused Kapil Paswan. Petitioner No. 2 is son of co-accused Kapil Paswan. They are having no antecedents and they are stated to be in custody since 02.07.2022. The prosecution case even if accepted, at best makes out a case of petitioners presence at the place of occurrence. The same is also based on extraneous considerations by virtue of their relationship with co-accused Kapil Paswan.

Learned APP for the State has opposed the prayer for bail. It is alleged that petitioners are named accused. The assault has led to loss of one life.

Considering the rival submissions, nature of accusations, clean antecedent and period of custody of the petitioners, this Court is inclined to allow the prayer for bail of the petitioners.

Prayer for bail of the petitioners is allowed.

Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Vaishali at Hajipur, in connection with Bidupur P.S. Case No. 336 of 2022, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.



(ii)That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

shashank/-

U		T	
---	--	---	--

