

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60844 of 2022

Arising Out of PS. Case No.-550 Year-2019 Thana- BIHAR District- Nalanda

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DHARMENDRA PASWAN Son of Ramawtar Paswan R/V- Khairabad, P.S-
Bihar, Dist- Nalanda (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Saroj Kumar Upadhyay, Adv.
For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-02-2023 Heard learned counsel for the petitioner and the State

through video conferencing in view of the Covid-19.

The petitioner apprehends his arrest in connection with Bihar P.S. Case No. 550 of 2019 instituted under Sections 147, 148, 149, 323, 337, 338, 353, 307 of the Indian Penal Code and Section 27 of the Arms Act.

As per the FIR, the police upon knowledge of fight between two castes as also of firing gunshots at the place of occurrence tried to arrest the accuseds but both sides resorted to stone pelting causing injuries to some policemen.

Accordingly, the FIR.

The case of the defence is that :

(i) the petitioner was not present at Khairabad at the time of occurrence rather he was at Bardhman (W.B.) at his



in-laws house where he was studying;

(ii) his name came under the conspiracy of village politics and name taken by accused Deepak Kumar S/o Nawal Yadav who arrested on spot.

Learned APP on the other hand opposes the prayer for bail.

Taking into account the fact that the petitioner was not present at Khairabad at the time of occurrence but was in West Bengal pursuing studies and under conspiracy, his name has been dragged in as also the fact that he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail subject to certain conditions.

Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court 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 the like amount each in connection with Bihar P.S. Case No. 550 of 2019 to the satisfaction of learned Chief Judicial Magistrate, Nalanda (Biharsharif), subject to the conditions as laid down under Section 438(2) of the Cr.P.C with the further conditions :

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his 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 co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next one year to mark his attendance;

(v) 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 the bail bonds;

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

(Rajiv Roy, J)

Ajay Singh/-

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