

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 60534 of 2022

Arising Out of PS. Case No.-14 Year-2022 Thana- TANDWA District- Aurangabad

1. DHIRAJ VISHWAKARMA SON OF KISHORE VISHWAKARMA @
NAND KISHORE VISHWAKARMA R/O VILLAGE- KANDI BIGHA,
P.S.- TANDWA, DISTRICT- AURANGABAD
2. NIRBHAY PASWAN SON OF GANESH PASWAN @ GANESHI
PASWAN R/O VILLAGE- KANDI BIGHA, P.S.- TANDWA, DISTRICT-
AURANGABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Santosh Kumar Pandey, Advocate
For the Opposite Party/s : Mr Akshay Lal Pandit, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 25-01-2023

Heard learned counsel for the petitioners and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar.

The petitioners seek bail in Tandwa Police Station (for brevity, **PS**) Case No 14 of 2022 dated 10.02.2022 registered for the offence punishable under Sections 147, 148, 149, 323, 324, 307, 302, 379 of Indian Penal Code.

There is a dispute over alleged theft of 10 liters oil from the tractor. The same was resolved by **panchayati**, as per the First Information Report (for brevity, **FIR**). On the next day, it is alleged that the petitioners along with others (10 persons) have assaulted the informant and his family members leading to death of the informant's father.

Learned counsel for the petitioners submits that the FIR has been lodged after four days, after the father of the informant has died. The same is an indication of the false implication. In fact,



scuffle had taken place over the trivial issue on alleged theft of oil in which the informant's father had sustained injuries. The petitioners and their entire family members have been made accused in this case. There is only general and omnibus allegation against all of them. Petitioners have no antecedents and are in custody since 11.08.2022. Co-accused Nandu Vishwakarma @ Nandu Mistri has already been granted bail by this Court by order dated 27.07.2022 passed in Cr Misc No 23251 of 2022.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, manner of implication, period of custody and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail is allowed. Let the petitioners, above named, be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 01st Class, Aurangabad in Tandwa PS Case No 14 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)

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