

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65148 of 2023

Arising Out of PS. Case No.-31 Year-2023 Thana- FORBESGANJ District- Araria

1. KANHAIYA PASWAN SON OF LATE MOTI PASWAN RESIDENT OF VILLAGE- MATIYARI WARD NO. 02, PS- FORBESGANJ, DISTT- ARARIA
2. NIRO DEVI WIFE OF KANHAIYA PASWAN RESIDENT OF VILLAGE- MATIYARI WARD NO. 02, PS- FORBESGANJ, DISTT- ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate
For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-12-2023 Heard Mr. Mukesh Kumar Rana, learned counsel for the petitioners and Mr. Vinod Shanker Modi, learned APP for the State.

2. The petitioners are apprehending their arrest connection with Forbesganj P.S. Case No. 31 of 2023, F.I.R. dated 12.01.2023 registered for the offences punishable under Sections 147, 341, 323, 324, 302 of the Indian Penal Code.

3. Allegation against the petitioners is that they along with other co-accused persons have assaulted the family members of the informant and when the informant's father Sarti Paswan came to save, the accused persons was assaulting him and in the meantime accused Deepak Paswan inflicted fatal assault above the eye of the informant's father and again Deepak



Paswan gave repeated blow of iron rod on the head of the informant's father as a result of which he died.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case only and due to admitted and dispute the present occurrence had taken place. He further submits that from perusal of the F.I.R. it appears that F.I.R. is in two parts, in first part, there is general and omnibus allegation against all the accused persons including the petitioners and in the second part, there is specific allegation against co-accused person namely Deepak Paswan who has assaulted the father of the informant and subsequently he died during treatment. He further submits that there is no allegation of any assault or overt act attributed against the petitioners.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Forbesganj P.S. Case No. 31 of 2023, subject to the conditions as



laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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