

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66934 of 2023

Arising Out of PS. Case No.-120 Year-2023 Thana- KONCH District- Gaya

1. Basant Paswan Son Of Late Barat Paswan Resident Of Village - Amra, P.S. - Konch, District - Gaya
2. Navin Paswan Son Of Basant Paswan Resident Of Village - Amra, P.S. - Konch, District - Gaya
3. Rakesh Paswan Son Of Basant Paswan Resident Of Village - Amra, P.S. - Konch, District - Gaya
4. Randheer Paswan Son Of Basant Paswan Resident Of Village - Amra, P.S. - Konch, District - Gaya
5. Madan Paswan Son Of Late Ram Pati Paswan Resident Of Village - Amra, P.S. - Konch, District - Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Singh, Advocate
		Mr. Akash Kumar Mishra, Advocate
For the Opposite Party/s	:	Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-11-2023 Heard Mr. Ajay Kumar Singh, learned counsel for the petitioners and Mr. Tarun Prasad Mandal, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Konch P.S. Case No. 120 of 2023, F.I.R. dated 14.03.2023 for the offences punishable under Sections 341, 323, 307, 354(B), 504, 506/34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including these petitioners have assaulted the informant



by means of bricks and stones due to which she sustained injuries.

4. Learned counsel for the petitioners submits that petitioner nos. 1, 2, 3 and 5 have clean antecedent and petitioner no. 4 carries two criminal antecedents and they have falsely been implicated in the present case. He further submits that from perusal of the F.I.R it appears that there is no specific allegation of any assault or overt act attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners and due to previous enmity the present occurrence has taken place. He further submits that the F.I.R is in two parts, according to part one there is general and omnibus allegation against all the accused persons including the petitioners and according to part two, there is specific allegation against the co-accused persons, Usha Devi, Lalita Devi and Rekha Devi that they have assaulted with bricks and stones and the said Usha Devi and others have been granted privilege of anticipatory bail by the learned Court below itself.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances



that there is no specific allegation of any assault or overt act against these petitioners, petitioner nos. 1, 2, 3 and 5 have clean antecedents and the co-accused persons have been granted privilege of anticipatory bail by the learned Court below itself, let the petitioners, above named, in the event of 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/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Gaya in connection with Konch P.S. Case No. 120 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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 bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. 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 antecedent, 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)

Vanisha/-

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

