

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64443 of 2022

Arising Out of PS. Case No.-98 Year-2022 Thana- PIPRA District- East Champaran

1. ARVIND KUMAR S/O ASHDEO PASWAN @ ASHDEV PASWAN
Resident of village- Bharthuhia, P.S.- Pipra, District- East Champaran.
2. NIRAJ KUMAR S/O RAMDEO PASWAN Resident of village- Bharthuhia,
P.S.- Pipra, District- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-03-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered for the offences punishable under Sections 341, 323, 325, 379, 307, 34 of the Indian Penal Code.

According to prosecution case, on the basis of written report of one Sonu Kumar Ram alleging therein that on 29.03.2022 at about 10:00 PM when he was returning home from work from Chakia, on the way accused Chhotelal Paswan, Lakhindra Paswan, Uday Paswan and Niraj Kumar caught hold of him and assaulted him. When the informant tried to flee, the accused then assaulted by Bhala on his leg and the informant



fell down. The accused then assaulted the informant by rod and fatta and fractured the left hand. In the mean time, accused Arvind Kumar assaulted the informant by sickle (hasua) at his neck which was stopped by the informant by his right hand and the sickle injured the hand, the chin and the neck of the informant, blood oozed from the wounds. In the mean time, the accused snatched Rs. 5000/- and the informant's mobile from his pocket.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R. that the F.I.R. in two parts, in first part there is general and omnibus allegation against all the accused persons including these petitioners and the second part there is specific allegation against petitioner no. 1, namely, Arvind Kumar that he has assaulted the informant. He further submits that altogether the informant had received five injuries but the injury no. 1, 2, 4 and 5 are simple in nature and injury no. 3 is grievous in nature but it is not on the vital part of the informant. He further submits that the police after investigation submitted the charge sheet against these petitioners. The petitioners are in custody since 06.06.2022.



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

Considering the aforesaid facts and circumstances, 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 the learned Court below where the case is pending in connection with Pipra P.S. Case No. 98 of 2022, subject to the 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 bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, 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 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)

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