

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66821 of 2022

Arising Out of PS. Case No.-108 Year-2022 Thana- KHIJARSARAI District- Gaya

1. Chitranjan Paswan Son of Mundarik Paswan @ Munarik Paswan Resident of Village- Akouni, P.S.- Khizersarai, District- Gaya
2. Rakesh Paswan Son of Mundarik Paswan @ Munarik Paswan Resident of Village- Akouni, P.S.- Khizersarai, District- Gaya

... .. petitioners/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the petitioners/s : Mr. Ram Sumiran Rai, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 20-07-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

3. Petitioners seeks bail who are in custody since 28.03.2022 in connection with POCSO Case No. 43 of 2022 arising out of Khizer Sarai P.S. Case No. 108 of 2022, F.I.R. dated 12.03.2022 for the offences punishable under Sections 147, 149, 341, 323, 302, 307, 504, 506 of the Indian Penal Code and 4/6 of POCSO Act.

4. According to prosecution case, all the accused



persons including these petitioners have assaulted the informant's wife and sister-in-law. This occurrence took place because the niece of the informant went to attend the call of nature in the morning and the accused Mukesh Kumar was staring to her and on that she objected and reported this matter to her aunt(informant's wife) and informant's sister-in-law and they both went to the house of Mukesh Kumar to lodge complain. Thereafter, all the accused persons assaulted them.

5. 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 from perusal of the F.I.R it appears that the petitioner, namely, Chitranjan Paswan was the order giver and petitioner, namely, Rakesh Paswan caught hold of the deceased and the co-accused, namely, Mukesh Kumar has inflicted dagger blow on the deceased. He further submits that there is no specific allegation of assault or over act attributed against the petitioners. He further submits that the police after investigation submitted the charge sheet against the petitioners. He further submits that similarly situated, co-accused persons, namely, Chinta Devi and Jaymanti Devi have been granted bail by this Court vide order dated 16.03.2023 passed in Cr. Misc. No. 33371 of 2022. The



petitioners are in custody since 28.03.2022.

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

7. 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 Exclusive Special Judge (POCSO)-cum-ADJ-VII, Gaya in connection with POCSO Case No. 43 of 2022 arising out of Khizer Sarai P.S. Case No. 108 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 tampers 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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