

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76012 of 2023

Arising Out of PS. Case No.-317 Year-2023 Thana- OBRA District- Aurangabad

1. MANISH RAJ SON OF RAJENDRA PASWAN RESIDENT OF VILLAGE- LALA BIGHA, POLICE STATION- OBRA, DISTRICT- AURANGABAD.
2. RAUSHAN KUMAR SON OF RAJENDRA PASWAN RESIDENT OF VILLAGE- LALA BIGHA, POLICE STATION- OBRA, DISTRICT- AURANGABAD.
3. BIJENDRA PASWAN SON OF SURENDRA PASWAN RESIDENT OF VILLAGE- LALA BIGHA, POLICE STATION- OBRA, DISTRICT- AURANGABAD.
4. SIKENDAR PASWAN SON OF SURENDRA PASWAN RESIDENT OF VILLAGE- LALA BIGHA, POLICE STATION- OBRA, DISTRICT- AURANGABAD.
5. MITHUN KUMAR SON OF SATYENDRA PASWAN RESIDENT OF VILLAGE- LALA BIGHA, POLICE STATION- OBRA, DISTRICT- AURANGABAD.
6. SATYENDRA PASWAN SON OF LATE LAKHAN PASWAN RESIDENT OF VILLAGE- LALA BIGHA, POLICE STATION- OBRA, DISTRICT- AURANGABAD.
7. SUDHIR PASWAN SON OF SURENDRA PASWAN RESIDENT OF VILLAGE- LALA BIGHA, POLICE STATION- OBRA, DISTRICT- AURANGABAD.
8. VISHWAKARMA PASWAN SON OF RAM CHANDRA PASWAN RESIDENT OF VILLAGE- LALA BIGHA, POLICE STATION- OBRA, DISTRICT- AURANGABAD.
9. SURENDRA PASWAN SON OF MUNARIK PASWAN RESIDENT OF VILLAGE- LALA BIGHA, POLICE STATION- OBRA, DISTRICT- AURANGABAD.
10. VINOD PASWAN SON OF LATE MUNARIK PASWAN RESIDENT OF VILLAGE- LALA BIGHA, POLICE STATION- OBRA, DISTRICT- AURANGABAD.
11. BIJENDRA PASWAN SON OF RAMAKANT PASWAN RESIDENT OF VILLAGE- LALA BIGHA, POLICE STATION- OBRA, DISTRICT- AURANGABAD.
12. RAMASHISH PASWAN SON OF CHETHARU PASWAN RESIDENT OF VILLAGE- AKAUNA, POLICE STATION- MUFFASIL, DISTRICT- AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamendra Pd. Singh, Advocate



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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-11-2023 Heard Mr. Kamendra Prasad Singh, learned counsel
for the petitioner and Mr. Ajay Kumar Jha, learned APP for the
State.

2. The petitioners are apprehending their arrest connection with Obra P.S. Case No. 317 of 2023, F.I.R. dated 22.07.2023 registered for the offences punishable under Sections 341, 323, 307, 504, 427, 448, 379 of the Indian Penal Code.

3. Allegation against the petitioners is that they along with other co-accused persons started abusing the informant and when the brother of the informant reached there and tried to save the informant then they assaulted the informant and his brother by fists and legs and also assaulted the informant with sword on his head due to which he sustained injured.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that the 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 second part,



there is specific allegation of assault by means of *Talwar* on the head of the informant's brother is against petitioner no. 1 but the injury report of the informant's brother suggests that the injury is grievous in nature but the injury caused by hard and blunt substance and only one injury was found on the person of the injured and in other words, the medical evidence of the injured person does not support the allegation as alleged in the F.I.R.

5. Learned counsel appearing on behalf of the Informant as well as learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the petitioners and submits that there is specific allegation against the petitioner no. 1 that he has assaulted with *Talwar* to the brother of the informant.

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 Sub-Divisional Judicial Magistrate, Daudnagar, Aurangabad in connection with Obra P.S. Case No. 317 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.

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(Rajesh Kumar Verma, J)

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