

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.71111 of 2022**

Arising Out of PS. Case No.-17 Year-2022 Thana- TEGHRHA District- Begusarai

Shambhu Paswan S/O Rambilash Paswan Resident Of Village- Phardi, P.S.-  
Teghra, District- Begusarai.

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rakesh Prabhat, Advocate  
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      21-04-2023                      Heard learned counsel appearing on behalf of the  
petitioner and learned Additional Public Prosecutor appearing  
on behalf of the State.

Let the defect(s), as pointed out by the office, be  
removed within a period of four weeks from today.

The petitioner apprehends his arrest in connection  
with Teghra P.S. Case No. 17 of 2022 for the offences  
punishable under Sections 341, 323, 308/34 of the Indian Penal  
Code (in short 'I.P.C.').

The accused/petitioner is named in F.I.R.

The allegation against this petitioner is to assault  
informant and others alongwith co-accused persons/family  
members by means of fight, feast and handle of spade, causing



such bodily injuries suggesting thereof that same may likely to cause the death of injured.

Learned counsel appearing on behalf of the petitioner submitted that the allegation, as regard to assault, is appearing very much general and omnibus against this petitioner. It is further submitted that prosecution case appears highly unbelievable on its face for the reason that only two persons received superficial injuries in the background of allegation, that alleged assault was caused by nine persons. It is also pointed out that during the course of occurrence, two persons namely, Santosh Kumar and Vimal Devi received injuries, which opined as simple in nature by doctor, who examined them suggesting only that injuries caused is not sufficient to cause death in ordinary course of nature and as such petitioner cannot be said under intention to cause death. While concluding the argument it is submitted that petitioner is a man of clean antecedent.

Learned APP for the State opposes the prayer of bail.

Considering the facts and circumstances as mentioned above as, allegation regard to assault is very much general and omnibus against this petitioner, where nature of injury appears simple, the above named petitioner, in the event of his arrest or surrender within a period of four weeks, is directed to 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 the learned Chief Judicial Magistrate, Begusarai/concerned Court, where the case is pending in connection with Teghra P.S. Case No. 17 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-

“(i) Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii) If the petitioner 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 petitioner and in case at



any stage it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. 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.”

**(Chandra Shekhar Jha, J)**

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