

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71051 of 2022

Arising Out of PS. Case No.-239 Year-2021 Thana- HASPURA District- Aurangabad

1. Guddu Paswan S/O Dinanath Paswan R/V- Sonhathu, P.S.- Haspura, District- Aurangabad
2. Nanhaku Paswan @ Nandu Kumar S/O Dinanath Paswan R/V- Sonhathu, P.S.- Haspura, District- Aurangabad
3. Anil Paswan S/O Dinanath Paswan R/V- Sonhathu, P.S.- Haspura, District- Aurangabad
4. Chhotu @ Amarjit Paswan S/O Late Kishun Paswan R/V- Sonhathu, P.S.- Haspura, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukul Kumari, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-04-2023 Heard learned counsel appearing on behalf of the petitioners 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 petitioners apprehend their arrest in connection with Haspura P. S. Case No. 239 of 2021, G.R. No. 1039/2021 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 379, 504, 506 of the Indian Penal Code (in short 'I.P.C.').

The accused/petitioners are named in F.I.R.



The allegation against these petitioners is to assault informant and others alongwith other co-accused persons/family members by means of *lathi, danda, khanti* etc. causing bodily injuries to informant and others having intention to cause their death, where occurrence alleged to be founded over previous enmities.

Learned counsel appearing on behalf of the petitioners submitted that the allegation as regard to assault against petitioners is appearing very much general and omnibus. It is pointed out that in the background of allegation as assault was caused by seven persons only informant received a marginal injury on his face, nose and left wrist makes the entire allegations doubtful on its face. It is also submitted that accused petitioner no. 1 is a man of clean antecedent whereas accused petitioner nos. 2, 3 and 4 found involved in one excise case, where they are on bail. It is further submitted that only informant, namely, Rajendra Paswan received injury during the course of occurrence, as per impugned order dated 13.10.2022, where it appears that he received abrasion injury of 2" x 1" on face, swelling on nose 4" x 1" and swelling on left wrist 4" x 4", alleged to be caused by hard and blunt substance, which not appears sufficient, which may cause death of informant in



ordinary course of nature and as such intention to cause death cannot be gathered from the alleged assault caused by petitioners.

Learned APP for the State opposes the prayer of bail.

Considering the aforesaid facts and circumstances and by taking note of the manner of assault , which is appearing very much general and omnibus and also by taking note of the injury report as mentioned in order dated 13.10.2022 of A.B.P. No. 1577/2022, let all above named petitioners, in the event of their arrest or surrender within a period of four weeks, are 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 S.D.J.M., Daudnagar, Aurangabad/concerned Court, where the case is pending in connection with Haspura P.S. Case No. 239 of 2021, G.R. No. 1039/2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the 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 tamper 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.”

(Chandra Shekhar Jha, J)

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