

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7513 of 2023

Arising Out of PS. Case No.-30 Year-2022 Thana- PANDARAK District- Patna

1. MANOJ PASWAN Son of Raj Nandan Paswan Resident of Village- Chintaman Chak, P.S.- Pandarak, District- Patna
2. SATYENDRA PASWAN Son of Raj Nandan Paswan Resident of Village- Chintaman Chak, P.S.- Pandarak, District- Patna
3. PANKAJ PASWAN @ PANKAJ KUMAR Son of Manoj Paswan Resident of Village- Chintaman Chak, P.S.- Pandarak, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prakash Chandra Jha, Adv.
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-05-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in connection with Pandarak P.S. Case No. 30 of 2022 dated 12.03.2022 registered for the offence under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code.

The petitioners alleged to have assaulted the son the of the informant by means of iron rod due to which he sustained head injury and fell down.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that it is apparent form the F.I.R.



itself that there is general and omnibus allegation leveled in the F.I.R. against the petitioner Nos. 1 and 3 and the specific allegation of assault is attributed to petitioner No. 2, Satyendra Paswan, who allegedly gave iron rod blow upon the head of son of the informant causing him head injury. He further submits that in the garb of a land dispute an altercation took place between the parties in a spur of moment in which son of the informant sustained injury and the family members of the petitioners also sustained injuries, which could be apparent from Annexure-5 to this petition, for which case and counter case have been registered at the instance of the parties. Both the parties are next door neighbour and there was no motive to kill anyone. Moreover, the co-accused, namely, Vibhishan Paswan, Mukesh Paswan and Nagendra Paswa @ Nagendra Kumar, having more or less similar allegation, have already been granted bail by a co-ordinate Bench of this Court vide order dated 19.01.2023 passed in Cr. Misc. No. 51511 of 2022. The petitioner is rotting in judicial custody since 26.09.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that the petitioner No. 1 and 2 carry one more case other than the present one whereas the petitioner No. 3 bears a clean antecedent.

Considering the facts and circumstances of the case, let the, above named, petitioners 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 learned A.C.J.M-I, Barh in connection with Pandarak P.S. Case No. 30 of 2022 with 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 canceled 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.

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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