

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6810 of 2024

Arising Out of PS. Case No.-26 Year-2018 Thana- CHAUTHAM District- Khagaria

1. Kumari Asha Wife of Anil Paswan, Resident of village - Saraiya, P.S.- Choutham, District - Khagaria.
2. Anil Paswan Son of Late Ramnath Paswan, Resident of village - Saraiya, P.S.- Choutham, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-02-2024 Heard Mr. Santosh Singh, the learned counsel for the petitioners and Mr. Shailendra Kumar, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Suppl. Chautham PS Case No. 26 of 2018, FIR dated 20.02.2018, registered for the offences punishable under Sections 147, 341, 342, 323, 307, 379, 504 and 506 of the Indian Penal Code and later on Section 302 of the IPC was also added.

3. According to prosecution case, all the FIR named accused persons including the petitioners assaulted the son of the informant. It is further alleged that one Pardashi Paswan was



also assaulted by the accused persons. It is also alleged that during the assault co-accused Saurav Kumar stole Rs. 4500/- (Rupees four thousand and five hundred) and a gold chain from the informant's son.

4. 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 upon perusal of the FIR, it appears that there is general and omnibus allegations of assault on the victim, who happens to be the son of the informant and the allegations are not specific. He further submits that the police after investigation submitted the final form in favour of the petitioners on 31.12.2019, but the learned Court below while differing with the report of the police had taken cognizance against these petitioners on 23.01.2022.

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

6. Considering the aforesaid facts and circumstances and the fact that the petitioners have clean antecedent, the allegations are general and omnibus in nature and the fact that the police had submitted the final form in favour of the petitioners, let the petitioners, above-named, in the event of their arrest or surrender before the Court below, within a period of



four weeks from the date of receipt of the order, be released on anticipatory 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 Chief Judicial Magistrate, Khagaria, where the case is pending in connection with **Suppl. Chautham PS Case No. 26 of 2018**, 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.

(Rajesh Kumar Verma, J)

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