

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5844 of 2024

Arising Out of PS. Case No.-182 Year-2023 Thana- KADWA District- Katihar

Biswanath Paswan @ Vishwanath Paswan Son of Late Chamaru Paswan R/O-
Bishanpur, P.S.-Kadwa, Distt.-Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Balkrishna Mishra, Advocate

For the Opposite Party/s : Mr. Dr. Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-02-2024

1. Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.

2. The accused/petitioner is named in F.I.R. and apprehending his arrest in connection with Kadwa P.S. case No. 182/2023 registered for the offences punishable under Sections 341, 323, 379, 308, 504, 506 and 34 of the Indian Penal Code.

3. The allegation against this petitioner is to make an attempt to commit culpable homicide not amounting to murder alongwith other co-accused persons, where during occurrence informant received several injuries.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner was falsely implicated with



present case out of previous enmities. It is pointed out that prior to this occurrence, there was a case pending between the parties, which found registered as Kotwa P. S. Case No. 181/2023. It is further submitted that the maximum allegation as it appears from the narration of F.I.R. against this petitioner is to instigate the main co-accused Pramod Das against whom specific allegation of assault is available. While concluding the argument, it is submitted that petitioner is a man of clean antecedent.

5.Learned APP appearing for the State while opposing the prayer of bail submitted that petitioner actively participated in occurrence.

6. Considering the aforesaid facts and circumstances and by taking note of the fact as maximum allegation appears against this petitioner is to instigate the main accused Pramod Das, who was alleged to assault informant, coupled with the fact that petitioner is a man of clean antecedent, accordingly, 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 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 Additional Chief Judicial Magistrate,



Katihar/concerned Court, where the case is pending in connection with Kadwa P.S. Case No. 182 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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