

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 7029 of 2024

Arising Out of PS. Case No.-370 Year-2023 Thana- CHAINPUR District- Kaimur (Bhabua)

1. Rohit Paswan son of Moti Paswan Village- lakhmanpur Ps- Chainpur Dist- Kaimur at Bhabua
2. Dina Paswan son of Late Bajan Paswan @ Bhajan Paswan Village- lakhmanpur Ps- Chainpur Dist- Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Adv.
For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 09-04-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek regular bail in connection with Chainpur P.S. Case No. 370 of 2023 dated 13.11.2023, lodged under Sections 147, 149, 323, 325, 307, 427, 379, 504 and 506 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been lodged against 14 named accused persons including the present petitioner. The allegation in the F.I.R. against them is that they in connivance with each other have assaulted the sons of the informant by *lathi*, iron rod and injured them brutally, due to which they become unconscious and referred to Varanasi for better treatment.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He submits that for the same date and place of occurrence, case and counter case has been lodged from both the sides. Informant's side have lodged case bearing Chainpur P.S. Case No. 370 of 2023, whereas petitioner's side have lodged case bearing Chainpur P.S. Case No. 369 of 2023. He further submits that the injury is annexed on Annexure-4 and all the injuries are caused by hard and blunt substance. He further submits that the antecedent of the petitioner no. 2 is clean and there is one antecedent of petitioner no. 1. He further submits that petitioners are in custody since 14.11.2023.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that earlier the case diary has been called for. Upon perusal of the case diary, it transpires to this Court that there are two injury reports. Injury B, as per X-Ray report is grievous in nature.

6. Learned counsel for the informant vehemently opposes the prayer for bail and submits that there is specific allegation against the petitioners that they have caused offence for which the F.I.R. has been lodged, so they may not be granted bail.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail (**only after framing of charge, if not framed**) on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabua in connection with Chainpur P.S. Case No. 370 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

(i) one of the bailors should be the family member of the petitioner who shall provide official document to show their *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bonds by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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