

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18071 of 2024

Arising Out of PS. Case No.-227 Year-2023 Thana- ROSHANGANJ District- Gaya

1. INDERDEO PASWAN S/O LATE TULSI PASWAN R/O VILLAGE-BISHUNPUR, P.S- BNKEY BAZAR, DISTT.- GAYA.
2. SURAJDEO PASWAN @ SURADEO PASWAN S/O LATE TULSI PASWAN R/O VILLAGE- BISHUNPUR, P.S- BNKEY BAZAR, DISTT.- GAYA.
3. SHOBHA DEVI W/O LATE SITARAM PASWAN R/O VILLAGE-BISHUNPUR, P.S- BNKEY BAZAR, DISTT.- GAYA.
4. RAMRATI DEVI W/O INDERDEO PASWAN R/O VILLAGE-BISHUNPUR, P.S- BNKEY BAZAR, DISTT.- GAYA.
5. BHAGWAIYA DEI W/O SURAJDEO PASWAN R/O VILLAGE-BISHUNPUR, P.S- BNKEY BAZAR, DISTT.- GAYA.
6. GUDDU PASWAN S/O SURAJDEO PASWAN R/O VILLAGE-BISHUNPUR, P.S- BNKEY BAZAR, DISTT.- GAYA.
7. AYUSH KUMAR @ BHOURI PASWAN @ AYUSH RAJ S/O SITARAM PASWAN R/O VILLAGE- BISHUNPUR, P.S- BNKEY BAZAR, DISTT.- GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-03-2024 Heard Mr. Sudhir Kumar Sinha, learned counsel for the petitioners and Mr. Pramod Kumar Pandey, learned APP for the State.

2. After some arguments, learned counsel for the petitioners seeks permission to withdraw the application with respect of petitioner no. 1, namely, Inderdeo Paswan.



3. Permission is accorded.

4. The bail application with respect to petitioner no.1, namely, Inderdeo Paswan is dismissed as withdrawn.

5. The petitioners (except petitioner no.1) are apprehending their arrest in connection with Roushanganj (Banke Baazar) P.S. Case No. 227 of 2023, F.I.R. dated 30.07.2023 registered for the offences punishable under Sections 147, 149, 323, 341, 307, 504, 506 of the Indian Penal Code read with Section 3/4 Dian Act.

6. Allegation against the petitioners is that they along with other accused persons jointly assaulted to the informant and his mother with iron rod due to which informant sustained serious injury over head.

7. Learned counsel for the petitioners (except petitioner no.1) submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. He further submits that from perusal of the F.I.R. it appears that co-accused person namely Inderdeo Paswan has assaulted on the head of the informant and there is no specific allegation of any assault or



overt act against these petitioners (except petitioner no.1) and there is case and counter case between the parties.

8. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners (except petitioner no.1).

9. Considering the aforesaid facts that the petitioners having clean antecedents and there is no specific allegation of any assault or overt against the petitioners (except petitioner no.1) and there is case and counter case between the parties, let the petitioners (except petitioner no.1), above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 learned Judicial Magistrate 1st Class, Sherghati, Gaya in connection with Roushanganj (Banke Baazar) P.S. Case No. 227 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioners (except petitioner no.1) 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 bonds shall be cancelled by the Court below.

(2) If the petitioners (except petitioner no.1) tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners (except petitioner no.1) and in case at any stage, it is found that the petitioners (except petitioner no.1) have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners (except petitioner no.1). 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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