

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 17693 of 2024

Arising Out of PS. Case No.-219 Year-2022 Thana- GURARU District- Gaya

1. Rajendra Paswan Son of Late Vishnu Paswan Resident of Village- Deokali, Police Station- Guraru, District-Gaya
2. Prince Kumar Son of Rajendra Paswan Resident of Village- Deokali, Police Station- Guraru, District-Gaya
3. Sudhir Kumar Son of Vijendra Paswan Resident of Village- Deokali, Police Station- Guraru, District-Gaya
4. Pramod Kumar Son of Sarjun Paswan Resident of Village- Deokali, Police Station- Guraru, District-Gaya
5. Pratosh Kumar Son of Arvind Paswan Resident of Village- Deokali, Police Station- Guraru, District-Gaya
6. Akshay Kumar Son of Rambilash Paswan Resident of Village- Deokali, Police Station- Guraru, District-Gaya
7. Mukesh Kumar Son of Chanarik Manjhi Resident of Village- Deokali, Police Station- Guraru, District-Gaya
8. Rajesh Manjhi Son of Chandrika Manjhi Resident of Village- Deokali, Police Station- Guraru, District-Gaya
9. Abdhesh Manjhi Son of Chanarik Manjhi Resident of Village- Deokali, Police Station- Guraru, District-Gaya
10. Nitish Kumar Son of Basant Paswan Resident of Village- Deokali, Police Station- Guraru, District-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Aryan Singh, Advocate

For the Opposite Party/s : Mr Anil Kumar Singh No 1, APP

CORAM: HONOURABLE MR JUSTICE KHATIM REZA

ORAL ORDER

2 18-03-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2 The petitioners apprehend arrest in connection with
Guraru PS Case No 219 of 2022 dated 22.11.2022 instituted



under Sections 147, 461, 504, 323, 307, 379, 120B of the Indian Penal Code.

3 The prosecution case is that the informant was assaulted by the accused persons.

4 The learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that due to the petty dispute between two groups in the village, the informant and his men brutally assaulted the mother of petitioner No 1 as a result of which she received injury on her head and, therefore, Guraru PS Case No 218 of 2022 has been instituted. In counterblast of that case, the present FIR has been instituted. It is submitted that the FIR has been lodged against 33 accused persons including the petitioners. It is submitted that only one person received injuries and the doctor's opinion regarding the nature of injury is simple caused by hard and blunt object. The learned counsel for the petitioners submits that petitioners No 5, 7, 9 and 10 have no criminal antecedent. So far petitioner No 1 is concerned, he has been made accused in three cases. Petitioner No 2 is accused in two cases. Petitioners No 3, 4 and 6 are accused in one case. Petitioner No 8 has two criminal antecedents.



5 Learned APP has opposed the prayer for bail.

6 Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners shall be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate X, Gaya in Guraru PS Case No 219 of 2022 subject to the conditions as laid down in Section 438 (2) of the Code of Criminal Procedure, 1973, and further (i) that the petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed 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) that one of the bailors will be their own blood relation, preferably father, mother, brother, sister and/or wife, (iii) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and, thereafter, the Court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.

7 The application stands allowed.

(Khatim Reza, J)

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