

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18087 of 2024

Arising Out of PS. Case No.-1305 Year-2023 Thana- TURKAULIYA District- East
Champaran

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1. Jaggu Paswan @ Jaggu Ram Son Of Late Chalitra Paswan Resident Of Village - Chilraon, P.S. - Turkauliya, District - East Champaran
 2. Usha Paswan @ Umesh Paswan Son Of Late Chalitra Paswan Resident Of Village - Chilraon, P.S. - Turkauliya, District - East Champaran
 3. Satyendra Paswan Son Of Jiut Paswan Resident Of Village - Chilraon, P.S. - Turkauliya, District - East Champaran
 4. Motilal Paswan Son Of Jadunath Paswan Resident Of Village - Chilraon, P.S. - Turkauliya, District - East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
For the State	:	Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-03-2024 Heard Mr. Abhishek Kumar, learned counsel for the

petitioners and Mr. Arun Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Turkauliya P.S. Case No. 1305 of 2023, F.I.R.
dated 26.12.2023 for the offences punishable under Sections
147, 149, 447, 341, 323, 324, 325, 307, 379, 504 and 506 of the
Indian Penal Code.

3. According to prosecution case, petitioners are said
to have assaulted the informant and his family members.



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 due to admitted land dispute the present occurrence has taken place and both the parties are agnates to each other. He further submits that due to admitted land dispute the petitioners' side has filed a case with respect to some land in question against the informant and his family members and the learned DCLR passed the order on 18.10.2022 in favour of the petitioner's family and due to same set of land the present occurrence has taken place. He further submits that there is case and counter case between the parties. He further submits that from a bare perusal of the FIR it appears that the petitioner no.1 has assaulted to he informant, there is no specific allegation against assault or overt act against the petitioner no.2 and petitioner no.3 has assaulted the brother of the informant. He further submits that injury report of the informant suggests that the injury is simple in nature and the injury report of the brother of the informant, namely, Mannu Paswan suggests that the injury is grievous in nature due to fracture in left hand.

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



6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of 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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. VI, Motihari, East Champaran in connection with Turkauliya P.S. Case No. 1305 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 his absence on two consecutive dates without sufficient reason, his 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 bonds 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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