

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26170 of 2024

Arising Out of PS. Case No.-102 Year-2023 Thana- MANSI District- Khagaria

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1. Bachchan Kumar @ Bachchan Kumar Paswan Son of Yogendra Paswan, Resident of Village - Amani, P.S. - Mansi, District - Khagaria, Bihar.
 2. Lalita Devi Wife of Amar Paswan, Resident of Village - Amani, P.S. - Mansi, District - Khagaria, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 2 10-04-2024 Heard Mr. Shailendra Kumar Singh, the learned counsel for the petitioners and Mr. Anil Kumar, the learned Additional Public Prosecutor for the State.
2. The petitioners are apprehending their arrest in connection with G.R. No. 1077 of 2023, arising out of Mansi PS Case No. 102 of 2023, FIR dated 09.04.2023, registered for the offences punishable under Sections read with Section 34 of the Indian Penal Code.
3. According to prosecution case, the co-accused persons abused and assaulted the informant. It is further alleged that co-accused persons namely, Raju Paswan and Abhishek Paswan gave *khanti* blows on the head of the informant, due to

which his head fractured and co-accused person namely, Gulshan Kumar snatched gold *chakti* from the neck of the informant and fled away.

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 upon perusal of the FIR, it appears that there is no specific of assault or overt act attributed against these petitioners, rather the specific allegation of assault is attributed against co-accused persons namely, Raju Paswan and Abhishek Paswan, who have been granted the privilege of anticipatory bail by this Court vide order dated 07.02.2024 passed in Cr. Misc. No. 3753 of 2024.

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

6. Considering the aforesaid facts and circumstances and the fact that the petitioners have clean antecedent, no specific allegation of assault or overt act is attributed against them and the co-accused persons against whom the specific allegation of assault is attributed have been granted the privilege of anticipatory bail, let the petitioners, above-named, in the event of their arrest or surrender before the trial Court, within a

period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria, where the case is pending in connection with **Mansi PS Case No. 102 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the trial Court.

(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 trial Court 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 trial Court shall take step for cancellation of bail bond 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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