

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34518 of 2024

Arising Out of PS. Case No.-192 Year-2023 Thana- KHODAWANDPUR District- Begusarai

1. Suman Kumari @ Suman Devi W/O - Ganga Paswan, R/o Village- Shahpur, Ward No. 1, P.S.- Khodawandpur, District- Begusarai
2. Birju Paswan S/O - Deo Narayan Paswan, R/O - Village- Shahpur, Ward No. 1, P.S.- Khodawandpur, District- Begusarai
3. Gandhi Paswan Son of Achachhelal Paswan, R/o Village- Shahpur, Ward No. 1, P.S.- Khodawandpur, District- Begusarai

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Yogesh Kumar, Advocate
For the Opposite Party : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-09-2024 Heard Mr. Yogesh Kumar, the learned counsel for the petitioners and Mr. Ajay Kumar No. 2, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Khodawandpur PS Case No. 192 of 2023, FIR dated 28.06.2023, registered for the offences punishable under Sections 341, 323, 307 and 504 read with Section 34 of the Indian Penal Code. Later on Section 302 of the IPC was also added.

3. According to the prosecution case, all the FIR named co-accused persons assaulted informant's son and his



sister-in-law due to which they sustained head injuries.

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 from perusal of the FIR, it appears that petitioners are not named in the FIR and name of petitioners transpired during investigation after passing of one month from the alleged date of occurrence. He further submits that there is admitted land dispute between the parties and there is case and counter case between them as well and due to that, the petitioners have falsely been implicated in the present case without any cogent material which suggests their involvement in the present occurrence. He lastly submits that FIR named co-accused persons namely, Devi Lal Paswan @ Dev Narayan Paswan & Ors. have been granted the privilege of anticipatory bail by this Court vide order dated 29.11.2023 passed in Cr. Misc. No. 75736 of 2023 and another co-accused person namely, Santosh Paswan has been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 13.02.2024 passed in Cr. Misc. No. 3563 of 2024, and the case of petitioners stands on better footing than them.

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 mainly the facts that petitioners have clean antecedent, they are not named in the FIR and FIR named co-accused persons have been granted the privilege of anticipatory bail, let the petitioners, above-named, in the event of their arrest or surrender before the learned 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 Sub-Divisional Judicial Magistrate, Manjhaul, Begusarai, where the case is pending in connection with **Khodawandpur PS Case No. 192 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 learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned 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 learned 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 learned 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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