

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35425 of 2024

Arising Out of PS. Case No.-264 Year-2023 Thana- BENIPATTI District- Madhubani

Om Prakash Paswan Son of Baiju Paswan Resident of Village - Viselddugma,
P.S.- Benipatti, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bhola Prasad, Adv. Mr. Ujjwal Kumar, Adv.
For the State	:	Mr. Sunil Kumar Pandey, APP
For the Informant	:	Mr. Ashok Kr. Jha, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

6 21-10-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Benipatti P.S. Case No. 264 of 2023 instituted for the offences under Sections 147, 148, 149, 448, 341, 323, 504, 307, 302 of the Indian Penal Code.

3. The prosecution case, in brief, is that on the alleged date of occurrence, the FIR named accused persons armed with *lathi-danda*, *khanti* came at the house of Informant and started abusing and beating the father of informant. Co-accused Baiju Paswan hit with *khanti* on the head of the father of Informant with an intention to kill him, as a result of which he sustained



cut injury and was drenched in blood and fell down. Thereafter, all the accused persons assaulted him with *lathi-danda* due to which his right leg got fractured. Thereafter, he was taken to government hospital, Benipatti from where he was referred to D.M.C.H. Considering the severe health, he was referred to P.M.C.H., where he succumbed to his injuries.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. There is a case and counter case between the parties and both the parties have sustained injuries for the dispute of land which is in exclusive possession of the petitioner but, the Informant wants to vacate the land on flimsy ground. The petitioner is a member of the mob and there is no direct or specific allegation of any overt act against the petitioner rather the allegation of assault on the head by *Khanti* is on co-accused Baiju Paswan. The petitioner has no criminal antecedent and is languishing in judicial custody since 30.11.2023 without any rhymes or reason. He further submits that from the injury report, it appears that the injury has been caused by hard and blunt object which is simple in nature. Charge-sheet has been submitted against the petitioner.



5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature and, hence, he does not deserve bail.

6. Pursuant to the order dated 21.08.2024 passed by a Co-ordinate Bench of this Court, the court below has sent its report dated 04.09.2024, stating therein that the case is currently pending for appearance. In this case, the cognizance has been taken against the accused Om Prakash Paswan and Anamika Devi @ Amika Devi on 07.08.2024 and summons have been issued for the appearance of accused Anamika Devi @ Amika Devi.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Benipatti P.S. Case No. 264 of 2023, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family



members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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