

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41003 of 2024

Arising Out of PS. Case No.-32 Year-2024 Thana- SIMRI District- Darbhanga

1. Ram Bharat Paswan @ Bharat Paswan S/o Late Ravi Paswan R/o Village-Harpur, P.S.-Simri, District-Darbhangha
2. Rajendra Paswan s/o Braj Kishor Paswan R/o Village-Harpur, P.S.-Simri, District-Darbhangha
3. Deep Narayan Paswan S/o Late Ravi Paswan R/o Village-Harpur, P.S.-Simri, District-Darbhangha
4. Dharmendra Paswan S/o Braj Kishor Paswan R/o Village-Harpur, P.S.-Simri, District-Darbhangha

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Narayan Mahto, Advocate
For the State : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-07-2024 Heard Mr. Ram Narayan Mahto, learned counsel for

the petitioners and Mr. Chandra Bhushan Prasad, learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Simari P.S. Case No. 32 of 2024, F.I.R. dated 07.03.2024 for the offences punishable under Sections 147, 149, 323, 324, 307, 379 and 354 of the Indian Penal Code.

3. According to prosecution case, there is allegation against the petitioners that they were part of the unlawful assembly wherein two persons, namely, Sudhanshu Kumar and Govind Kumar got severely injured and sustained grievous injury. There is also an allegation that some of the co-accused persons outraged



the modesty of the informant and snatched her gold chain costing Rs.1,00,000/-

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case due to the land dispute between the parties. He further submits that the present case is a counter blast of SC/ST P.S. Case No. 22 of 2024 filed by the petitioners' side against the informant and his family members. He further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt act against these petitioners rather specific allegation of assault is attributed against other co-accused persons.

5. 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 petitioners having clean antecedent, there is no specific allegation of any assault or over act against the petitioners and there is case and counter case between the parties, 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 S.D.J.M., Darbhanga in connection with Simari P.S. Case No. 32 of 2024, 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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