

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42126 of 2024

Arising Out of PS. Case No.-267 Year-2021 Thana- TAJPUR District- Samastipur

1. Nageshwar Paswan S/O Late Nandlal Paswan R/O village- Dharampur Dakhili, P.S.- Tajpur (Halai O.P.), District- Samastipur
2. Maheshwar Paswan S/O Late Nandlal Paswan R/O village- Dharampur Dakhili, P.S.- Tajpur (Halai O.P.), District- Samastipur
3. Parmeshwar Paswan S/O Late Nandlal Paswan R/O village- Dharampur Dakhili, P.S.- Tajpur (Halai O.P.), District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sharma, Advocate
For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 19-06-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in Tajpur (Halai O.P.) P.S. Case No. 267 of 2021, instituted for the offences punishable under Sections 341, 323, 379, 354(B), 307, 504, 506/34 of the Indian Penal Code and Section 302 of the Indian Penal Code was also added later on.

3. The prosecution case, in short, is that, the petitioners are named in the F.I.R. The allegation as per F.I.R is that on the alleged date of occurrence all accused persons including the petitioners came armed with weapons and tried to



construct a boundary on informant's land. On objection the accused persons verbally abused them. With the intention to kill, accused petitioners caught hold of informant's husband and son, assaulted informant's husband with iron rod on his head due to which he sustained injuries. The co-accused persons also brutally assaulted informant's son with lathi and rod due to which he fell unconscious.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material have been recovered from the conscious possession of the petitioners. Admittedly there is land dispute between the parties. Learned counsel for the petitioners further submits that petitioners are not the assailant of the deceased Abhishek and the persons who are the assailant of Abhishek had already been granted bail by the lower Court below. As per post-mortem report of the deceased, the doctor has opined the cause of death due to haemorrhage and shock caused by hard and blunt substance. There is no allegation of assault to any person against the petitioners, rather the allegation against the petitioners is of catching hold of the hair of the of the informant. There is no specific allegation levelled against the petitioners.



The petitioners are in custody since 09.03.2024 and have got four criminal antecedents.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Tajpur (Halai O.P.) P.S. Case No. 267 of 2021, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioners.

(II) The petitioners shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioners.

(Rudra Prakash Mishra, J)

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