

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46579 of 2024

Arising Out of PS. Case No.-122 Year-2023 Thana- KALYANPUR District- Samastipur

Shankar Paswan Son Of Bindeshwar Paswan Resident Of Village - Akabarpur
Ward No.-11, P.S. - Kalyanpur, District - Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-07-2024 Heard learned Advocate appearing on behalf of the
petitioner and the learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Kalyanpur P.S. Case No. 122 of 2023 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 353, 324, 307, 338, 332, 333, 224, 379, 504 and 427 of the Indian Penal Code.

3. The prosecution case is based on the fardbeyan of the informant, alleging therein, that on receipt of the secret information regarding trade of illicit liquor the police raided the house of the petitioner. It is further alleged that when the police arrived there, some of the ladies who were present there started fleeing away with gallons of wine. The police apprehended three persons alongwith the illicit wine. In the mean time 3



named persons including the petitioner and fifty unknown persons surrounded the police party and attacked them. The mob also ransacked the vehicles of the police personnels and tried to snatch the rifle of one of the police personnel.

4. Learned counsel appearing on behalf of the petitioner contended that in fact when the police came to the place of occurrence, on account of some dispute in connection with search and seizure all the local people assembled there and attacked on the police party, due to which persons of both the sides have sustained some injury. However, even as per the allegations made in the FIR there is no allegation of any overt act against the petitioner that he assaulted any of the police personnel and damaged the vehicle. It is also the contention of the petitioner that criminal antecedent of the petitioner is one of the reason of the institution of present case as earlier also two identical cases have been instituted against the petitioner in connection with excise matter. However, the petitioner is on bail in all the cases as has been mentioned in paragraph no. 3 of the bail application. It is lastly contended that the petitioner is in custody since 16.03.2024 and after completion of the investigation now the charge-sheet has already been submitted.

5. On the other hand, learned APP for the State



vehemently opposes the bail application and submits that the petitioner has actively participated in the crime and it is the petitioner on whose instigation all the unruly mob attacked the police and damaged the vehicles.

6. Regard being had to the submissions made on behalf of the parties and considering the general and omnibus nature of allegation, coupled with the fact that the investigation of the crime is complete and charge-sheet has already been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Samastipur in connection with Kalyanpur P.S. Case No. 122 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates



without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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