

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47349 of 2024

Arising Out of PS. Case No.-90 Year-2024 Thana- CHAUTHAM District- Khagaria

1. Mahesh Paswan @ Mahesh Kumar, Son of Om Prakash Paswan, Resident of Patraha, P.S.- Choutham, District - Khagaria
2. Bittu Paswan @ Vikash Kumar, Son of Bechan Paswan, Resident of Pakrail, P.S.- Choutham, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

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

2. The petitioners seek regular bail, who are in custody in connection with Chautham P.S. Case No. 90 of 2024 registered for the offences punishable under Sections 337, 338, 341, 302/34 of the Indian Penal Code.

3. The allegation against the petitioners is they were engaged in pelting stones and bricks due to which the son of the informant aged about seven years, sustained injury, leading to his death.

4. Learned counsel appearing on behalf of the petitioners contended that the narrations made in the FIR speaks



aloud that a general and omnibus allegation has been levelled against all the accused persons of pelting stones however, the FIR does not reveal that the petitioners have any how specifically played any role. It is also the contention of the petitioners that might be the incidence was unfortunate, but it has never been intended to harm anyone; thus, in any view of the manner no case under Section 302 is made out. The petitioners are men of fair antecedent and moreover the investigation of the crime is complete and the charge-sheet has been submitted.

5. On the other hand, learned Advocate for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the general and omnibus nature of the allegation coupled with the fair antecedent and the fact that the investigation of the crime is complete, let the petitioners, 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 Chief Judicial Magistrate, Khagaria in connection with Chautham P.S. Case No. 90 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioners with further



conditions which are as follows:-

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

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

(iii) They 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, their bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners has concealed their criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioners. 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)

supratim/-

U		T	
---	--	---	--

