

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52107 of 2024

Arising Out of PS. Case No.-215 Year-2024 Thana- ARA NAWADA District- Bhojpur

1. Vishal Kumar Son of Late Brij Kishore Paswan Resident of Mohalla Jawahar Tola, P.S.- Ara Nawada, District- Bhojpur.
2. Tarkeshwar Paswan @ Tarkeshwar Son of Late Mal Babu Resident of Mohalla Jawahar Tola, P.S.- Ara Nawada, District- Bhojpur.
3. Ajay Paswan @ Ajay Kumar Son of Late Ramdayal Paswan Resident of Mohalla Jawahar Tola, P.S.- Ara Nawada, District- Bhojpur.
4. Sanjay Paswan @ Sanjay Kumar Son of Late Ramdayal Paswan Resident of Mohalla Jawahar Tola, P.S.- Ara Nawada, District- Bhojpur.
5. Mantu Kumar @ Prakash Kumar Son of Late Naval Kishore Paswan Resident of Mohalla Jawahar Tola, P.S.- Ara Nawada, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Awadhesh Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar, APP
For the Informant	:	Ms. Akansha Malviya, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-08-2024 Heard Mr. Awadhesh Kumar Pandey, learned counsel for the petitioners, Ms. Akansha Malviya, learned counsel appearing on behalf of the informant as well as Mr. Binod Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Ara Nawada P.S. Case No. 215 of 2024, F.I.R. dated 26.03.2024 for the offences punishable under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code and



Section 27 of the Arms Act.

3. According to prosecution case, all these petitioners have assaulted the informant and his family members by means of deadly weapon. It is further alleged that the co-accused, Prince Kumar shot fire upon the nephew of the informant with an intention to kill him.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that due to petty dispute, the present occurrence has taken place. He further submits that although the petitioners are named in the F.I.R but from perusal of the F.I.R it appears that the specific allegation of assault is against the co-accused, namely, Prince Kumar. He further submits that the injury report of Ranjeet Paswan is simple in nature and Sanjeet Paswan informed the police that he did not want to file any complaint against these petitioners.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners and submits that the petitioners with the common intention have attacked on the informant and his family members but the injury report is awaited and also fairly submits that there is no specific



allegation against these petitioners that they have assaulted the informant.

6. Considering the aforesaid facts and circumstances that there is no accusation of any assault or overt act against these petitioners and the petitioners have clean antecedent, 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 bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Ara Nawada P.S. Case No. 215 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers 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 bond 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)

Vanisha/-

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

