

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52343 of 2024

Arising Out of PS. Case No.-35 Year-2024 Thana- KARAHGAR District- Rohtas

1. Sanjay Paswan Son Of Late Bikrama Paswan R/O- Village- Barki Kharari, P.S.- Karagahar, Distt.- Rohtas (SASARAM)
2. Arjun Paswan Son Of Late Bikrama Paswan R/O- Village- Barki Kharari, P.S.- Karagahar, Distt.- Rohtas (SASARAM)
3. Dasai Paswan Son Of Late Bikrama Paswan R/O- Village- Barki Kharari, P.S.- Karagahar, Distt.- Rohtas (SASARAM)
4. Vikash Paswan Son Of Dasai Paswan R/O- Village- Barki Kharari, P.S.- Karagahar, Distt.- Rohtas (SASARAM)
5. Law Kush Paswan Son Of Dasai Paswan R/O- Village- Barki Kharari, P.S.- Karagahar, Distt.- Rohtas (SASARAM)
6. Vishal Paswan @ Vishal Kumar Son Of Sanjay Paswan R/O- Village- Barki Kharari, P.S.- Karagahar, Distt.- Rohtas (SASARAM)
7. Jagmani Paswan @ Nagmani Paswan Son Of Vijay Paswan R/O- Village- Barki Kharari, P.S.- Karagahar, Distt.- Rohtas (SASARAM)
8. Shankar Paswan @ Jay Shankar Paswan Son Of Prahlad Paswan @ Prahlad Paswan R/O- Village- Barki Kharari, P.S.- Karagahar, Distt.- Rohtas (SASARAM)
9. Dhanji Paswan Son Of Prahlad Paswan R/O- Village- Barki Kharari, P.S.- Karagahar, Distt.- Rohtas (SASARAM)
10. Rahul Paswan Son Of Prahlad Paswan R/O- Village- Barki Kharari, P.S.- Karagahar, Distt.- Rohtas (SASARAM)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saroj Kumar, Advocate
For the State : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-08-2024

Heard Mr. Saroj Kumar, learned counsel for the
petitioners and Mr. Uma Shankar Prasad Singh, learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in



connection with Kargahar P.S. Case No. 35 of 2024, F.I.R. dated 20.01.2024 for the offences punishable under Sections 147, 149, 341, 323 and 307 of the Indian Penal Code.

3. According to prosecution case, petitioners have assaulted to the informant and her *brother-in-law*.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that it appears from the FIR that the date of occurrence as alleged in the FIR is 17.01.2024 but the present FIR instituted on 20.01.2024 and before that petitioners' side has also filed a SC/ST P.S. Case No. 10 of 2024 against the informant and her family members. He further submits that due to some petty reason the present occurrence has taken place and from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt act is against the petitioner nos.1, 3, 4, 5, 6, 8 and 10. He further submits that although specific allegation of assault is attributed against petitioner nos. 2, 7 & 9 but the injury report of the injured persons suggests that the injury is simple in nature.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners and submits that petitioner no.1 carries three



more cases other than the present one, petitioner no.2 carries two more cases other than the present one, petitioner no.3 carries one case other than the present one, petitioner no.9 carries two cases other than the present one, petitioner no.10 carries one case other than the present one but fairly submits that the petitioners are on bail in all the pending matters and petitioner nos.4, 5, 6, 7 & 8 having clean antecedent.

6. Considering the aforesaid facts, the nature of allegation as alleged in the FIR and nature of injury of the injured persons, 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 1st Additional Sessions Judge Rohtas at Sasaram in connection with Kargahar P.S. Case No. 35 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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