

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56515 of 2024

Arising Out of PS. Case No.-191 Year-2023 Thana- KHODAWANDPUR District- Begusarai

Umesh Paswan S/o Baeijnath Paswan @ Baeidnath Paswan @ Baijanath
Paswan R/o Village- Ward No.1 Shahpur Bhoja, P.S.- Khodawandpur
(Chhorahi O.P.), Dist.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Randhir Kumar No.1, Advocate
For the State : Mr. Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 02-08-2024 Heard Ld. counsel for the Petitioner and Ld. APP for
the State.

2. The Petitioner apprehends his arrest, in connection with Khodawandpur (Chhorahi O.P.) P.S. Case No. 191 of 2023 dated 28.06.2023, registered for the offences punishable under Sections 341, 323, 307, 337 and 379/34 of the Indian Penal Code.

3. The prosecution case, in brief, is that the Petitioner along with others named co-accused persons came into the house of the informant with *lathi*, *danda*, *rod* and pistol and started abusing. On protest being made, one person namely, Umesh Paswan (Petitioner) with intention to kill, hit by iron rod on the head of Laxmi Kumar, son of the informant and Bablu Paswan also hit by iron rod on the head of Ram Binod Paswan, another son of the informant. Consequently, both sons of the



informant got injured. The other family members of informant were also assaulted by accused persons.

4. Ld. counsel for the Petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that there is case and counter case. The accused side have also lodged Khodawandpur (Chhorahi O.P.) P.S. case No. 192 of 2023, under Sections 341, 323, 307, 504, 302 read with Section 34 of the I.P.C. He further submits that the only allegation against the Petitioner is that he has caused simple injury by iron rod. He further submits that other co-accused persons have been enlarged on bail by this Court vide order dated 17.02.2024 passed in Cr. Misc. No. 6371 of 2024.

5. It is stated in paragraph no. 3 of the bail petition that the petitioner has been made accused in one other case.

6. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this application is allowed**, directing the Petitioner, above-named, to be enlarged on bail in the event of his arrest or



surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Sub-Divisional Judicial Magistrate, Manjhaul, Begusarai, in connection with Khodawandpur (Chhorahi O.P.) P.S. Case No. 191 of 2023, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and the following conditions:

(i) In case, it is brought to the notice of the court below that the Petitioner has given wrong statement regarding his criminal antecedents, Ld. court below shall cancel the bail bonds of the Petitioner after hearing him and getting satisfied that the Petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the Petitioner.

(Jitendra Kumar, J)

Chandan/
ravishankar-

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