

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61052 of 2023

Arising Out of PS. Case No.-125 Year-2022 Thana- DELHA District- Gaya

Sonu Paswan S/O Sanjay Paswan @ Srichand Paswan R/O Bambaba
Bageshwari Gumati, P.S- Delha, Distt.- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 05-03-2024 Heard Mr. Vinod Kumar, learned counsel for the

petitioner and Mr. Lalan Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Delha P.S. Case No. 125 of 2022, F.I.R. dated 08.05.2022 for the offences punishable under Sections 147, 148, 341, 323, 353, 307, 332, 333 and 427 of the Indian Penal Code.

3. According to prosecution case, this petitioner along with other accused persons have thrown bricks upon the informant and other police personnel due to which the SDO sustained injury. It is further alleged the miscreants also damaged the glass of the vehicles.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the



present case. He further submits that from perusal of the F.I.R it appears that there is no specific allegation of any assault or overt act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner and the name of the petitioner has been transpired on the basis of the video footage.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the F.I.R and on the basis of the video footage it is made evident that the petitioner was involved in the present crime in question and apart from that the petitioner carries one criminal antecedent of excise matter other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in the pending case.

6. Considering the aforesaid facts and circumstances, let the petitioner, 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) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Gaya in connection with Delha P.S.



Case No. 125 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioner 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 petitioner 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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