

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63331 of 2023

Arising Out of PS. Case No.-79 Year-2020 Thana- NIRMALI District- Supaul

Shiv Kumar Paswan Son Of Mushaharu Paswan @ Musharu Paswan R/O Vill
- Bela Singar Moti Tola, Do Muhan, W. No. 3, P.S. - Nirmali, Distt. - Supaul

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate
For the State : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 27-02-2024 Heard Mr. Nafisuzzoha, learned counsel for the

petitioner and Mr. Rana Randhir Singh, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Nirmali P.S. Case No. 79 of 2020, F.I.R. dated 19.04.2020 for the offences punishable under Sections 447, 341, 323, 354B, 307, 379, 504 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioner along with other co-accused persons is said to have abused and assaulted on the head of the informant by means of *dabia*.

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 although as per the FIR there is allegation against the petitioner that he has assaulted on



the head of the informant by means of *dabia*. He further submits that although the injury report of the informant suggest that the informant received the injury but the nature of the injury, the doctor has reserved the opinion. He further submits that from a bare perusal of the FIR it appears that there is no repetition of blow upon the informant. He further submits that there was no intention to kill the informant and both the parties are agnates to each other.

5. The learned Additional Public Prosecutor, on the other hand, has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two more cases other than the present one but fairly submits that the petitioner is on the bail in both the cases, as mentioned in paragraph-2 of the supplementary affidavit.

6. Considering the aforesaid facts and circumstances and the fact there is no repetition of blow upon the informant, 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 A.C.J.M., Birpur at Supaul in connection with Nirmali P.S. Case



No.79 of 2020, 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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