

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65579 of 2024

Arising Out of PS. Case No.-117 Year-2024 Thana- GHANSHYAMPUR District- Darbhanga

Rahul Paswan @ Bhima Paswan S/O Gauri Shankar Paswan R/V- Bishanpur
Ghat, P.S- Ghanshyampur, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Adv.

For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 25-11-2024 Heard Mr. Ajay Kumar, learned counsel for the pe-
titioner and Mr. Jharkhandi Upadhyay representing the State.

2. The petitioner is in custody in connection with Ghanshyampur P.S. Case No. 117 of 2024 for the offence punishable under sections 341, 323, 324, 307, 379, 504, 506 and 34 of the Indian Penal Code lodged on 07.05.2024 by the informant, Virendra Paswan.

3. As per the prosecution story, the informant alleged that on the issue of land dispute, the assault took place and allegation against this petitioner is of using sword to attack, which hit his shoulder and the leg causing injuries. This led to the FIR.

4. Learned counsel for the petitioner submits that admittedly, there is a land dispute, scuffle took place, the informant's side fell down, there was an injury which has been given the color of attack, he has remained in custody since 16.05.2024 (para 7 of the petition), has no criminal antecedent and further



without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner on its own would like to contribute towards the medical assistance of Rs. 10,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

5. Learned APP opposes the prayer for bail submitting that allegation of assault is on the petitioner.

6. Considering the submissions put forward by the parties as also the fact that the petitioner has remained in custody since 16.05.2024, has no criminal antecedent, FIR lodged, will be facing the trial, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 10,000/- to Virendra Paswan as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned S.D.J.M. Biraoul, Darbhanga in connection with Ghanshyampur P.S. Case No. 117 of 2024 subject to the following conditions:



(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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