

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.72304 of 2023**

Arising Out of PS. Case No.-121 Year-2023 Thana- SAHPUR District- Bhojpur

1. Harendra Paswan Son of Kanhaiya Paswan Resident of Village BanSHIPUR Ps Shahpur (Karnamepur) O.P., Dist Bhojpur
2. Satyendra Paswan Son Of Shankar Paswan Resident Of Village BanSHIPUR Ps Shahpur (Karnamepur) O.P., Dist Bhojpur
3. Sonu Paswan @ Sonu Kumar Paswan Son Of Bharat Paswan Resident Of Village BanSHIPUR Ps Shahpur (Karnamepur) O.P., Dist Bhojpur
4. Pradip Paswan @ Pradip Ram Son Of Shankar Ram Resident Of Village BanSHIPUR Ps Shahpur (Karnamepur) O.P., Dist Bhojpur
5. Deepak Paswan @ Deepak Ram Son Of Shankar Ram Resident Of Village BanSHIPUR Ps Shahpur (Karnamepur) O.P., Dist Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance:**

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate  
For the Opposite Party/s : Mr. Raj Kishor Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      07-03-2024                      Heard Mr. Manoj Kumar Singh, the learned  
  
counsel for the petitioners and Mr. Raj Kishor Singh, the learned  
  
Additional Public Prosecutor for the State.

2.                      The petitioners are apprehending their arrest in  
  
connection with Shahpur PS Case No. 121 of 2023, FIR dated  
  
15.03.2023, registered for the offences punishable under  
  
Sections 147, 149, 341, 323, 307, 324 and 504 of the Indian  
  
Penal Code.

3.                      According to prosecution case, FIR named accused



persons armed with sticks, iron-rod and knives entered into the house of informant and started assaulting the informant and his family members. It is further alleged that due to assault, the son of the informant sustained serious injury and fell unconscious.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case and the allegations levelled in the FIR are false and fabricated and the petitioners have not committed any offence as alleged in the FIR. He further submits that due to admitted land dispute the present occurrence has taken place and there is case and counter case between the parties and due to the alleged occurrence, both sides have received injuries. He lastly submits that from bare perusal of the FIR, it appears that there is no specific allegation of assault or overt act attributed against the petitioners, rather there is general and omnibus allegation against all the accused persons including the petitioners.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and the fact that the petitioners have clean antecedent and there is no specific allegation of assault or overt act attributed against



the them, let the petitioners, above-named, in the event of their arrest or surrender before the Court below, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Ara, Bhojpur, where the case is pending in connection with **Shahpur PS Case No. 121 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the 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 their absence on two consecutive dates without sufficient reason, their 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 bond 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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