

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75792 of 2024

Arising Out of PS. Case No.-40 Year-2024 Thana- KASMA District- Aurangabad

Mordhaj Paswan @ Mardhaj Kumar Paswan @ Mordhwaj Paswan, aged
about 27 years, male, S/O Kail Paswan R/O Vill.- Itwan, P.S. - Guraru, Dist.-
Gaya (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aman Vishal, Advocate
For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 20-12-2024 Heard Mr. Aman Vishal, learned counsel appearing
on behalf of the petitioner and Mr. Umanath Mishra, learned
APP for the State.

2. Petitioner seeks regular bail in connection with
Kasma P.S. Case No. 40/2024 registered for the offences
punishable under Sections 147, 148, 149, 341, 323, 324, 325,
307, 379, 504 and 506 of the Indian Penal Code.

3. As per the allegation made in the FIR, all the
accused persons including the petitioner, tried to kill the
informant while she was coming from the field and when the
villagers came to save her, accused persons had also assaulted



them.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. He further submitted that the present case is counterblast to Kasma P.S. Case No. 35 of 2024 lodged on 18.03.2024 and as a result of the same, on false accusation, the informant has lodged the present FIR against the petitioner. He further submitted that free fight took place on the alleged date of incidence and petitioner may have caused some injury in his self defence without intention. Both the parties are *agnates* and there is long standing land dispute. Petitioner has clean antecedent and he is in custody since 10.05.2024. On these grounds, petitioner seeks to be released on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the rival submissions made on behalf of the parties, as well as, the fact that the present case is counterblast to Kasma P.S. Case No. 35 of 2024 lodged on 18.03.2024 and as a result of the same, on false accusation, the informant has lodged the present FIR against the petitioner. Free fight took place on the alleged date of incidence and petitioner may have caused some injury in his self defence without



intention. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on bail.

7. The learned District Court is directed to release the petitioner, above named, on bail upon furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned learned Chief Judicial Magistrate, Aurangabad (Bihar), in connection with Kasma P.S. Case No. 40 of 2024 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(v) The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is



pending against the petitioner as what has been stated in
paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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