

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78270 of 2023

Arising Out of PS. Case No.-192 Year-2023 Thana- KHODAWANDPUR District- Begusarai

GANGA PASWAN Son of Ram Narayan Paswan R/o vill - Shahpur, P.S. -
Bhoja, Begusarai, Meghaul, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Shashi Priya, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 26-04-2024 Heard Ms.Shashi Priya, learned counsel for the
petitioner and Mr.Anil Kumar, learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Khodawandpur P.S.Case No.192 of 2023,FIR dated 28.06.2023 registered for the offences punishable under Sections 341,323,307,504 of IPC read with Section 34 of IPC.

3. The petitioners along with others are alleged to have assaulted the informant and his family members by means of rod and lathi causing injury to them.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. The allegation as alleged in



the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act is attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner and there is case and counter case and Title Suit No.278 of 2009 is pending between the parties. Further submits that the co-accused, namely, Devilal Paswan @ Dev Narayan Paswan and others have been granted privilege of anticipatory bail by this Court vide order dated 29.11.2023 passed in Cr. Misc. No.75736 of 2023, co-accused person, namely, Santosh Paswan has also been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order dated 13.02.2024 passed in Cr. Misc. No.3563 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent, there is no specific allegation of any assault or overt-act is attributed against the petitioner and



there is case and counter case, let the petitioner, above named, in the event of his 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 learned S.D.J.M., Begusarai in connection with Khodawandpur P.S.Case No.192 of 2023, 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/her absence on two consecutive dates without sufficient reason, his/her 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/her 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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