

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76869 of 2023

Arising Out of PS. Case No.-102 Year-2023 Thana- RIGA District- Sitamarhi

1. Umesh Paswan S/O Late Sakhichand Paswan R/O Village- Bhavdepur, Ward No.-1, P.S- Riga, Distt.- Sitamadhi.
2. Nanhe Paswan S/O Late Sakhichand Paswan R/O Village- Bhavdepur, Ward No.-1, P.S- Riga, Distt.- Sitamadhi.
3. Madresh Paswan S/O Late Sakhichand Paswan R/O Village- Bhavdepur, Ward No.-1, P.S- Riga, Distt.- Sitamadhi.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jay Ram Prasad, Advocate
For the Informant	:	Mr. Uday Kumar, Advocate
For the Opposite Party/s	:	Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 02-01-2024 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners and learned counsel for the informant as well as learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in a case in connection with Riga P.S. Case No. 102 of 2023 dated 10.03.2023 registered for the offences punishable u/ss 147, 148, 149, 341, 323, 324, 307 and 302 of the Indian Penal Code.

4. As per the prosecution case, when the informant



came at his house in the meantime, Raja Paswan and Diwakar Paswan came there and started abusing in drunken condition then the informant and his brother objected. After some times, all the FIR named accused persons variously armed came at his door and started abusing. On protest, one Rana Paswan assaulted Dhirendra Paswan with knife and thereafter Diwakar Paswan caught him and all the accused persons encircled him and assaulted with legs and fists. When the informant and his brother came to rescue, the accused persons also assaulted them. Thereafter Rana Paswan assaulted Dhirendra Paswan with knife on his left eye due to that he fell down. The informant and his injured brothers were taken to hospital for treatment where his brother Dhirendra died during the course of treatment.

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. There is general and omnibus allegation against the petitioners. The specific allegation of assault is against the co-accused Rana Yadav. The petitioner no. 3 was also accused in one more criminal case and he was acquitted from the said criminal case and the rest petitioners have no criminal antecedent as stated in para 3 of the bail petition.

6. Learned counsel for the informant as well as



learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Sitamarhi in connection with Riga P.S. Case No. 102 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further condition/s:-

(i). The petitioners are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are liable to be cancelled.

8. This application stands allowed.

(Chandra Prakash Singh, J)

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