

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84438 of 2023

Arising Out of PS. Case No.-174 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Deepak Paswan @ Deepak Kumar Son Of Bhikhari Paswan Resident Of Village- Rupdih Koni, P.S. Muffasil, District-East Chammparan, Motihari
 2. Jitendra Paswan Son Of Tuntun Paswan Resident Of Village- Rupdih Koni, P.S. Muffasil, District-East Chammparan, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-01-2024 Heard Mr. Rajesh Kumar, learned counsel for the
petitioners and Mr. Amitesh Kumar, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Muffasil P.S. Case No. 174 of 2023, F.I.R. dated 28.02.2023 registered for the offences punishable under Sections 147, 149, 341, 323, 325, 307, 302, 379 and 452 of the Indian Penal Code.

3. Allegation against the petitioners is that they along with other co-accused persons entered into the house of the informant with intention to commit loot and dacoity and when the informant raised objection then accused persons assaulted the informant and his grand mother with iron rod due to which they sustained injured and during treatment grand mother of the



informant died.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that F.I.R. is in two parts, in first part, there is general and omnibus allegation against the petitioners and in second part, there is specific allegation of assault against co-accused Pramod Paswan, Karan Paswan, Roushan Kumar and Vipin Paswan. He further submits that there is no specific allegation of assault or overt act attributed against these petitioners and at best they are being the only member of the mob.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Motihari, East Champaran in connection with Muffasil P.S. Case No. 174 of 2023, subject to the conditions as



laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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