

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84575 of 2023**

Arising Out of PS. Case No.-313 Year-2023 Thana- OBRA District-
Aurangabad

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PRAMOD PASWAN Son of Ashok Paswan R/o vill - Lal Bigha, P.S. - Obra,
Distt. - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Opposite Party/s : Mr. Damodar Prasad Tiwary

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-01-2024 Heard Mr. Ashok Kumar Singh, learned counsel for the

petitioner and Mr. Damodar Prasad Tiwary, learned A.P.P. for the

State.

The petitioner apprehends his arrest in connection
with Obra P.S. Case No. 313 of 2023 registered for the offence
under Sections 341, 323, 307, 504, 506/34 of the Indian Penal
Code.

The petitioner is alleged to have come to the house of
the informant and started abusing him by saying that he had
participated witchcraft on their children and wife. It is further
alleged that the accused persons who were having lathi, danda,
rod and spade in their hands assaulted the informant and caused
head injury to him.

Learned counsel appearing for the petitioner submits



that the petitioner is innocent and has falsely been implicated in this case. He further submits that the due to admitted land dispute, the present occurrence has taken place. He further submits that there is case and counter case between the parties. He further submits that on perusal of the F.I.R., there is no specific allegation of assault or any overt act is attributed to the petitioner rather it has been alleged that the petitioner and other accused persons have assaulted the informant. He further submits that though there is allegation of assault against the petitioner but the injury received from the informant side suggest that all the injuries are simple in nature caused by the hard and blunt substance.

Learned A.P.P. for the State on the other hand opposed the prayer for bail of the petitioner and submits that there is allegation in the F.I.R. that he along with other accused persons have assaulted the informant and apart from that the petitioner carries one more case other than the present one, however, he has been allowed bail in the pending matter.

Considering the facts and circumstances of the case, let the, above named, petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, 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., Daudnagar, Aurangabad in



connection with Obra P.S. Case No. 313 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-

(1) 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 canceled by the Court below.

(2) 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.

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 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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