

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.6901 of 2024**

Arising Out of PS. Case No.-79 Year-2023 Thana- MALAYPUR District- Jamui

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Mukesh Paswan @ Mukesh Kumar Paswan Son of Tufani Paswan, Resident  
of Village - Malaypur, P.S. - Malaypur, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Saroj Kumar Choudhary, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      17-02-2024                      Heard Mr. Saroj Kumar Choudhary, the learned  
  
counsel for the petitioner and Mr. Syed Mojibur Rahman, the  
  
learned Additional Public Prosecutor for the State.

2.                      The petitioner is apprehending his arrest in  
  
connection with Malaypur PS Case No. 79 of 2023, FIR dated  
  
05.09.2023, registered for the offences punishable under  
  
Sections 341, 323, 307, 504 and 506 read with Section 34 of the  
  
Indian Penal Code.

3.                      According to prosecution case, the petitioner along  
  
with other co-accused persons assaulted the informant due to  
  
which he sustained injuries. It is further alleged that the accused  
  
persons also assaulted the family members of the informant who  
  
came to his rescue.

4.                      Learned counsel for the petitioner submits that

petitioner has clean antecedent and he has falsely been implicated in the present case and due to dispute of drainage the alleged occurrence has taken place. Although, there is specific allegation against the petitioner that he has assaulted the informant with iron-rod, but the injury report of the informant suggests that he has received the injury, however, the injury is found to be simple in nature caused by hard and blunt object.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and the injury is found to be simple in nature, let the petitioner, above-named, in the event of his arrest or surrender before the Court below, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-V, Jamui, where the case is pending in connection with **Malaypur PS Case No. 79 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the 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 absence on two consecutive dates without sufficient reason, his 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 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)**

Shahnawaz/-

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