

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3753 of 2024

Arising Out of PS. Case No.-102 Year-2023 Thana- MANSI District- Khagaria

1. Raju Paswan @ Raju Kumar Son Of Late Bhim Paswan Resident Of Village- Amni, P.S.- Mansi, District- Khagaria
2. Abshiak Kumar @ Abshiak Paswan Son Of Late Bhim Paswan Resident Of Village- Amni, P.S.- Mansi, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amar Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-02-2024 Heard Mr. Amar Kumar Singh, learned counsel for the petitioners and Mr. Anil Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Mansi P.S. Case No. 102 of 2023, F.I.R. dated 09.04.2023 for the offences punishable under Sections 447, 341, 323, 307, 504, 379 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioners are said to have assaulted the informant.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that there is



case and counter case between the parties. He further submits that although the informant sustained injury but injury report of the informant suggests that the injury found upon him is simple in nature caused by the hard and blunt substance.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground the petitioner no.1 carries one criminal antecedent other than the present one and petitioner no.2 carries no criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances and the fact that there is case and counter case between the parties and injury found upon the victim is simple in nature, let the petitioners, above named, in the event of 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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria in connection with Mansi P.S. Case No. 102 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. 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds 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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