

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7899 of 2025

Arising Out of PS. Case No.-220 Year-2024 Thana- BIRPUR District- Supaul

Nityanand Paswan Son of Late Bhalu Paswan Resident of Koshikapur, Ward
No. 11, P.S. - Birpur, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawaz Shareef, Advocate

For the Opposite Party/s : Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-05-2025 Heard Mr. Nawaz Shareef, learned counsel for the

petitioner and Md. Shakir Ahmad, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Birpur P.S. Case No. 220 of 2024, F.I.R. dated 21.06.2024 for the offences punishable under Sections 341, 323, 324, 379, 354(B), 307, 504, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including this petitioner armed with deadly weapon came at the house of the informant and forcibly trying to take the niece of the informant and also tried to outrage her modesty. It is further alleged that they have assaulted to her causing her injuries.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. Although the petitioner is named in the F.I.R and there is specific allegation of assault against the victim due to which she received injury but the injury report of the victim suggest that the injury is simple in nature. Apart from that, the similarly situated co-accused, namely, Mahavir Paswan has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 09.05.2025 passed in Cr. Misc. No. 3800 of 2025.

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

6. Considering the aforesaid facts and circumstances, let the petitioner, 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 bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Birpur in connection with Birpur P.S. Case No. 220 of 2024, subject to the conditions as



laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other 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)

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