

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16795 of 2025

Arising Out of PS. Case No.-76 Year-2024 Thana- RAMPUR HARI District- Muzaffarpur

Mukesh Paswan S/O Shivchander Paswan @ Shivchandar Paswan Village-
Rajwara, PS- Mushahari, Dist.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-04-2025 Heard Mr. Sunil Kumar Pandey, learned counsel for
the petitioner as well as Mr. Mohammed Arif, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Rampur Hari P.S. Case No. 76 of 2024, F.I.R. dated 04.04.2024 for the offences punishable under Sections 341, 323, 307, 379, 325, 504 and 34 of the Indian Penal Code.

3. According to prosecution case, the petitioner and other co-accused persons attacked the informant when he was going to his house with various weapons due to which his head got ruptured and his limbs got fractured too. The accused persons also snatched Rs. 1 lakh which was kept in his bag.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been

implicated in the present case. Although, the petitioner is named in the F.I.R. but from the perusal of the F.I.R., it appears that there is no specific allegation of any assault or overt act against this petitioner rather the allegation of assault is against other co-accused person, namely, Sakal Paswan and there is case and court case between Sakal Paswan and the informant.

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

6. Considering the aforesaid facts that the petitioner is having clean antecedent. There is no specific allegation of assault and over act against this petitioner, 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-IX, (East), Muzaffarpur in connection with Rampur Hari P.S. Case No. 76 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of B.N.S.S., 2023 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.)

Jyoti Kumari/-

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