

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72257 of 2024

Arising Out of PS. Case No.-128 Year-2024 Thana- GURUA District- Gaya

1. Rajaram Paswan S/o- Late Munshi Paswan Resident of village - Sagahi, P s -Gurua, District- Gaya
2. Lakhpati Devi @ Lakhpatia Devi Wife of Rajaram Paswan Resident of village - Sagahi, P s -Gurua, District- Gaya
3. Biru Kumar @ Bisen Kumar Son of Rajaram Paswan Resident of village - Sagahi, P s -Gurua, District- Gaya
4. Om Prakash Paswan Son of Sipahi Paswan Resident of village - Sagahi, P s -Gurua, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Md. Javed Jafar Khan, Advocate
For the State	:	Mr. Sanjay Kumar Singh, APP
For the Informant	:	Mr. Shailesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-04-2025 Heard Md. Javed Jafar Khan, learned counsel for the petitioners, Mr. Shailesh Kumar, learned counsel appearing on behalf of the informant as well as Mr. Sanjay Kumar Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Gurua P.S. Case No. 128 of 2024, F.I.R. dated 13.04.2024 for the offences punishable under Sections 147, 149, 341, 307, 325 and 354(B) of the Indian Penal Code.

3. According to prosecution case, petitioner, namely Biru Kumar tried to outrage the modesty of the informant and



when the informant's mother and brother tried to save her then all these petitioners along with other accused persons armed with iron rod, lathi and danda assaulted to them causing injuries to them. It is further alleged that they also molested informant's sisters and mother.

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 the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. From perusal of the F.I.R it appears that the date of occurrence is 23.03.2024 but the present F.I.R has been instituted on 13.04.2024 i.e. after delay of 20 days without giving any explanation of the said delay. Apart from that there is case and counter case between the parties. He further submits that although the petitioners are named in the F.I.R but there is no specific allegation against them rather the specific allegation of assault is against the co-accused persons, namely, Dharamveer Kumar and Satyendra Paswan. The only allegation against these petitioners is that they along with other accused persons have assaulted to the informant and her family members. He further submits that apart from that the injury



report of the injured person suggests that the injuries are simple in nature.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent, injuries are simple in nature and there is no specific allegation against these petitioners, 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 bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Sherghati, Gaya in connection with Gurua P.S. Case No. 128 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. 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 their absence on two consecutive dates without sufficient



reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners 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 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 bond 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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