

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81966 of 2024

Arising Out of PS. Case No.-47 Year-2024 Thana- SAHEBPUR KAMAL District- Begusarai

Kare Paswan @ Suman Kumar @ Karela Paswan @ Kor Paswan S/o-
Parmanand Paswan Vill Po Ps- Sahebpur Kamal, W.No-5, Dist- Begusarai
... .. Petitioner/s

Versus

The State of Bihar
... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 82386 of 2024

Arising Out of PS. Case No.-47 Year-2024 Thana- SAHEBPUR KAMAL District- Begusarai

Ram Das Paswan Son of Baleshwar Paswan @ Balo Paswan R/O Vill. and
P.S. and P.O.- Sahebpur Kamal, Ward no. 05, Dist.- Begusarai
... .. Petitioner/s

Versus

The State of Bihar
... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 81966 of 2024)

For the Petitioner/s : Mr.Kumar Binode Bariar,Adv

For the Opposite Party/s : Mr.Ahmad Ali, APP

(In CRIMINAL MISCELLANEOUS No. 82386 of 2024)

For the Petitioner/s : Mr.Kumar Binode Bariar

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 13-02-2025 Heard Mr. Kumar Binode Bariar, learned counsel for

the petitioners in both the aforesaid petitions for bail, Mr.

Ahmad Ali as also Mr. Jitendra Kumar Singh, learned APPs.

2. The petitioners are in custody in connection with

Sahebpur Kamal P.S. Case No. 47 of 2024 for the offence

punishable under sections 143, 341, 323, 307, 325, 379, 504 and

506 of the Indian Penal Code lodged on 26.02.2024 by the

informant, Rahul Kumar.



3. As per the prosecution story, the informant alleged the accused persons armed variously came to their place and started abusing them. When the informant complained that earlier also they had injured his brother but the informant did not lodge any FIR, why the second attempt. The allegation is that thereafter all the accused persons assaulted them with iron rod/wooden rod causing head injury to his brother Dharamveer Kumar who ultimately died in Amrit Jeevan Uttpal Hospital. This led to the FIR.

4. Learned counsel for the petitioners submits that earlier bail applications of accused persons including Kundan Paswan (Cr. Misc. No. 45333 of 2024) were allowed while observing that main allegation is against Suraj Paswan and one of the present petitioners, Kare Paswan. This was based on the statement of the witnesses recorded in paragraphs 71 and 72 of the case diary.

5. It is the case of the petitioners as represented by the learned counsel that subsequently, in the case of Suraj Kumar, who along with Kare Paswan have been assigned the role of main assailant, the Court was apprised of paragraph-59 of the case diary which is the statement of the wife of deceased in which she has made omnibus allegation against all the accused



persons, contrary to statement made in paragraphs-71 and 72, Suraj Kumar was granted relief in Cr. Misc. No. 62553 of 2024.

6. Learned APPs have found that in paragraph-59 of the case diary, the lady has made omnibus allegation against all the accused persons.

7. Taking into account the aforesaid facts as also the the statement of the lady in paragraph-59 of the case diary, Suraj Kumar has been granted relief, as stated above, a categorical statement has been made that they shall be diligently appearing in the trial failing which the State can take steps for cancellation of their bail bonds, in that background, this Court is inclined to extend them the privilege of bail with conditions.

8. Let the petitioners, named above, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Sub Judge-IV-cum-A.C.J.M-IV, Begusarai, in connection with Sahebpur Kamal P.S. Case No. 47 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date



before the Trial Court and failure to do so for a single date without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight till conclusion of the trial to mark their attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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