

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90075 of 2024

Arising Out of PS. Case No.-81 Year-2022 Thana- KRITYANAND NAGAR District- Purnia

Umesh Paswan S/o Late Ghoghan Paswan R/o Sant Nagar, Chanka, P.S.- K.
Nagar, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Adv.

For the Opposite Party/s : Mr.Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 17-01-2025 Heard Mr. Ajit Kumar Singh, learned counsel for the
petitioner and Mr. Anish Chandra, learned APP for the State.

2. Petitioner seeks regular bail in connection with K.
Nagar (Champanagar) P.S. Case No. 81/ 2022 dated 15.02.2022
registered for the offence(s) punishable under Section(s) 147,
148, 149, 341, 323, 324, 325, 307, 504 and 506 of the IPC.
Later on, section 302 of the IPC was also added on 25.02.2022.

3. The main submissions advanced by learned counsel
for the petitioner are that the FIR itself goes to show that the
petitioner was not the assailant and three co-accused persons,
namely, Kiran Devi, Sundar Kumar @ Arbind Kumar and
Subhas Kumar are specifically alleged to have assaulted the
informant's friend's father and altogether 10 persons including
the petitioner have been named and 30-35 persons have been



shown as unknown being involved in the alleged crime but in fact, an incident of free fight in between both the parties took place and the instant case is counter version of petitioner's case. It is further submitted that co-accused persons, namely, Sundar Kumar @ Arbind Kumar and Kiran Devi carrying specific allegation of having assaulted the deceased have been granted bail by this court vide order dated 21.09.2022 passed in Cr. Misc. No. 35401/ 2022 and one co-accused, Buletar Mandal @ Buleshar Mandal @ Buleshwar Mandal has been granted anticipatory bail by this court vide order dated 06.09.2024 passed in Cr. Misc. No. 60746/ 2024. It is further submitted that in fact, the petitioner was not involved in the alleged crime and police, after investigation, did not send up the petitioner but the learned Magistrate differing with the police conclusion took cognizance against him without any material or evidence in the case diary. It is further submitted that the petitioner has been languishing in jail since 20.10.2024 having fair and clean antecedent and the alleged occurrence is said to have not committed in planned manner and a dispute with regard to loading of mustard crops is said to be the genesis of the occurrence.



4. Learned APP appearing for the State opposes the bail prayer of the petitioner.

5. Having considered the above submissions made by the petitioner’s counsel, this court is inclined to grant the relief of bail to the petitioner. Accordingly, let the petitioner named- above be released on bail in connection with K. Nagar (Champanagar) P.S. Case No. 81/ 2022 on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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