

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49756 of 2014

Arising Out of PS.Case No. -312 Year- 2010 Thana -BIBHUTIPUR District- SAMASTIPUR

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Manoj Paswan, Son of Mangal Paswan, Resident of village- Tara Bariarpur
P.S.- Khodabandpur, District- Begusarai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha
Mrs. Nita Kumari

For the Opposite Party/s : Mr. Satyavrat Verma, Addl.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 03-03-2015

Heard.

The petitioner seeks bail in a criminal prosecution registered under Sections 302/34 of the Indian Penal Code as also under Section 27 of the Arms Act.

It is submitted that, though four persons are named in the FIR vide Annexure-1 as accused, but petitioner is not named as an accused. However, subsequently on the basis of suspicion he has also been arrayed in the category of accused. It is highlighted that the petitioner is in judicial custody since 14.07.2014 and no other criminal case excepting the present one is pending against him.

In above view of the matter, the prayer for bail is allowed. The petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.25,000/- with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge, Rosera, Samastipur in connection with S.T.No.308 of 2014, arising out of Bibhutipur P.S. Case No.312 of

2010, subject to the conditions that:

- (a) One of the bailors must be government servant or close family member of the petitioner, who will file an affidavit in the court below showing his/her relationship with the petitioner,
- (b) if the petitioner is found involved in same and similar nature of cases in future, then in that case the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned;
- (c) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every date, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Prasad Verma, J)

Arvind/-

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