

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16476 of 2017

Arising Out of PS.Case No. -107 Year- 2015 Thana -BEUR District- PATNA

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Subhash Paswan son of late Mahendra Paswan @ Rajendra Paswan,
resident of Mohalla Yarpur Mushari (Yogiya Toli, Samudayik Bhawan ke
Pichhe) P.S. Gardanibagh, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Mukesh Kumar Jha, Advocate.

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 04-04-2017 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 16.12.2016 in
connection with Beur P.S. Case No. 107 of 2015 for the offences
alleged under Section 364 of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely
implicated on mere suspicion. The informant has returned the next
day after the alleged occurrence and in his statement on the same
day, did not disclose the name of the petitioner. In his subsequent
statement under Section 164 Cr. P.C. also he did not disclose the
name of any one but the petitioner's name has surfaced merely on
the confessional statement of three persons namely Shyam Rai,
Amit Pratap Singh and Ranjeet Kumar who were arrested by the
police. The petitioner had earlier been granted anticipatory bail but
could not surrender within the stipulated time and was taken into
custody at the time of his belated surrender. Out of the three prior
cases in which the petitioner was accused, he has been acquitted in
one case and is on bail in the remaining two cases.



4. Having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-cum-Sub-Judge-VIII, Patna, in connection with Beur P.S. Case No. 107 of 2015, on the following conditions:-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

Md. Ibrarul/psc

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