

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41263 of 2018

Arising Out of PS.Case No. -353 Year- 2017 Thana -BIHPUR District- BHAGALPUR

=====

1. Gunjan Paswan @ Chandan Kumar Paswan S/o Upendra Paswan @ Opi Paswan, R/o Vill.- Jamaldipur, P.S.- Kharik, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Amit Kumar Rakesh, APP

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 25-09-2018 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The Petitioner seeks regular bail in connection with Bihpur P.S.Case No. 353 of 2017, registered for offences punishable under Sections 147, 148, 149, 302, 379 of the Indian Penal Code and 27 of the Arms Act.

As per F.I.R., allegation against the petitioner is that the petitioner along with other six persons surrounded the informant and her husband on the way and made indiscriminate firing from their respective rifles, causing death of the Dewar of the informant and also snatched Rs. 15,000/- from the pocket of the deceased.

Submission of the learned counsel for the petitioner



is that the petitioner has committed no offence and the petitioner has been falsely implicated in the case. It is also submitted that the petitioner has not been caught at spot and nothing has been recovered from the possession of the petitioner. It is further submitted that similarly situated co-accused persons have been granted bail by different Co-ordinate Benches of this Court vide order dated 11.01.2018 passed in Cr. Misc. No. 59253 of 2017, vide order dated 17.01.2018 passed in Cr. Misc. no. 60851 of 2017 and vide order dated 07.02.2018 passed in Cr. MISC. No. 7070 of 2018 (Annexure-2 series) and the petitioner is in custody since 28.05.2018.

Heard learned A.P.P also.

Having heard both sides and in view of the facts and circumstances that other similarly situated co-accused persons have been granted bail, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 1st Class, Naugachia in connection with Bihpur P.S. Case No. 353 of 2017, subject to the following conditions:-

- i) One of the bailors of the petitioner shall be a local person having sufficient immovable property



within the jurisdiction of the concerned Court.

- ii) The petitioner will not induce any witness or tamper with the evidence.
- iii) It is made clear that if petitioner found involved in any of the like offences, in future, prosecution is free to move for cancellation of his bail bonds.

(Vinod Kumar Sinha, J)

Sudha/-

U		T	
---	--	---	--

