

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17584 of 2019

Arising Out of PS. Case No.-51 Year-2018 Thana- KORMA District- Sheikhpura *

Jagdish Paswan aged about 47 years, Male, Son of Late Dhaneshwar Paswan
Resident of Village - Katari Hill, P.S.- Chandauti, District- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Sanjay Kumar Sharma, Advocate
For the State	:	Mr. Jitendra Kr. Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 27-03-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 341, 342, 307 and 498(A)/34 of the Indian Penal Code registered in connection with Korma P.S. Case No. 51 of 2018 and subsequently, Section 302 IPC was added but cognizance has been taken under section 304(B)/34 IPC.

3. It is submitted that the petitioner has been falsely implicated merely because he happens to be uncle-in-law of the deceased. It is submitted that the petitioner has been living separately and is practicing lawyer at Gaya more than 100 Kms. away from the alleged place of occurrence. After due investigation, the police has submitted final form exonerating the petitioner. The husband and the father-in-law of the deceased are already in custody. The petitioner claims clean antecedents.

4. Learned APP assisted by learned counsel appearing for the informant suo motu submits that the petitioner is the brother of the father-in-law of the deceased and the accusation against both of them is similar in nature. The regular bail application of the



petitioner's brother, namely, Nageshwar Paswan has been rejected by a coordinate Bench of this Court vide order dated 21.01.2019 passed in Cr. Misc. No. 76238 of 2018.

5. Be that as it may and considering that the case of the petitioner does not stand on similar footing as that of the brother (father-in-law of the deceased) and that the police has submitted final form exonerating the petitioner, in the event of his arrest or surrender before the court below within six weeks from the date of communication of this order, let him 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 Chief Judicial Magistrate, Sheikhpura in connection with Korma P.S. Case No. 51 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further 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) That 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.

BT/-

(Vikash Jain, J)

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