

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30888 of 2019

Arising Out of PS. Case No.-45 Year-2019 Thana- ITARHI District- Buxar

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SHAMBHU PASWAN Son of Late Hare Ram Paswan Resident of Village -
Manoharpur, P.S.- Itarhi, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravindra Kumar Sinha
For the Opposite Party/s : Mr.Ganesh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-07-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 302/34 of the Indian Penal
Code and Section 27 of the Arms Act.

Prosecution case as lodged by the informant is that on
21.02.2019 at 1.45PM his nephew Chandan Kumar informed
me that two unknown persons shot his son and fled away.
Thereafter he was taken to the hospital but he was declared dead
by the doctor.

It has been submitted on behalf of the petitioner that
he is innocent, not named in the F.I.R. and has been falsely



implicated in the aforesaid case on the basis of suspicion. He submits that there is no allegation against the petitioner. On perusal of the case diary at para-16 and 17, it reveals that a dispute has been arisen owing to Agency with one Dhananjay Paswan. Further in para-24 of the case diary, it has been surfaced on the basis of mobile location that the petitioner was found loitering near the place of occurrence. Petitioner is languishing in judicial custody since 03.03.2019.

In the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-III, Buxar in connection with Itarhi Police Station Case No. 45 of 2019, subject to the conditions:

(I) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(II) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.



(III) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Anjani Kumar Sharan, J)

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