

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46409 of 2019

Arising Out of P.S. Case No.-188 Year-2018 Thana- BIHPUR District- Bhagalpur

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Pappu Paswan, aged about 26 years, Male, Son of Kampni Paswan @
Company Paswan Resident of Village- Hario, Police Station- Bihpur, District-
Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Rajesh Kumar, Advocate

For the Opposite Party : Mr. Anuj Kumar Shrivastava, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-10-2019 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor and perused the case diary.

The petitioner is in custody in connection with Bihpur
P.S.Case No.188 of 2018 registered for an offence under
Sections 364 and 307/34 of the Indian Penal Code and Section
27 of the Arms Act.

As per prosecution case, it appears that while the
informant and others were fishing in a pond, accused persons
including the petitioner came and started firing which did not hit
any body. Furthermore, the accused persons on the point of
pistol kidnapped the cousin brother of the informant, namely,
Shambhu Sharma. It further transpires from the FIR that there is
dispute amongst the parties regarding a pond, out of which, this



incident occurred.

It is submitted on behalf of the petitioner that the petitioner has falsely been implicated in this case merely on suspicion. It is further submitted that during course of investigation, nothing has been recovered the possession of the petitioner. It is further submitted that not a single eye witnesses have come forward to support the prosecution case. He further submits that similarly situated co-accused has already been granted regular bail by a coordinate Bench of this Court in Cr.Misc.No.38476 of 2019 dated 29.07.2019

In view of the aforesaid facts, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional District & Sessions Judge, Naugachia in the district of Bhagalpur in connection with Sessions Trial No.172 of 2019 arising out of Bihpur P.S.Case No.188 of 2018 with following conditions:-

(i) Petitioner shall cooperate 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 the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.



(ii) 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.

(Prabhat Kumar Singh, J)

B.Kr./-

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