

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60486 of 2019

Arising Out of PS. Case No.-173 Year-2019 Thana- SHASTRINAGAR District- Patna

PINTU PASWAN, Son of Bhanu Paswan, Resident of Village - Manas, Naya
Panapur, P.S.- Akilpur, Old District- Patna, New District- Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Murari Mishra

For the Opposite Party/s : Mr.Anita Kumari Singh

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

3 11-12-2019 Instant petition under Sections 439 and 440 of Criminal Procedure Code has been moved for grant of bail in F.I.R. No. 173 of 2019 dated 24.02.2019 registered at Police Station Shastri Nagar, District-Patna under Sections 363 and 365 of the Indian Penal Code. Later on, Section 302 of the Indian Penal Code has been added.

I have heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State. I have also perused the relevant record of the case, necessary for adjudication of this petition.

Learned counsel for the petitioner states that in relation to a co-accused, a co-ordinate Bench of this Court has already granted bail vide order dated 27.09.2019 passed in Cr. Misc. No. 44664 of 2019 (Rajesh Kumar vs. The State of



Bihar).

In a case of bail, there cannot be any parity. However, in the attending facts and circumstances, it is seen that petitioner has made out a case for grant of bail. In the FIR, there is no reference of the petitioner as his name is not mentioned. No role is ascribed to him in the act of kidnapping or taking the prosecutrix outside the State.

Learned counsel for the petitioner states that thus far investigation has not revealed anything incriminating against the petitioner and he has fully co-operated in investigation and no recovery is sought be made from him.

Prima facie, also it appears that thus far no case against the petitioner is made out indicating his complicity in the alleged crime.

It is submitted by learned counsel for the petitioner that the petitioner has roots in the society; is not likely to interfere in the investigation or influence any of the witnesses or destroy the evidence; is behind bars since 01.03.2019; no further custodial interrogation is required and he has fully cooperated in the investigation.

Prima facie, nothing is produced to highlight petitioner's direct involvement in the crime.



Mr. Satyendra Kumar, learned counsel appearing on behalf of the informant and the learned A.P.P. opposed the prayer for bail.

At this stage, learned counsel for the petitioner states that no further recovery is sought to be effected and that there is no apprehension of the petitioner in not co-operating with the investigation and also his act and conduct has been good.

Thus, this Court is of the considered view that petitioner has made out a case for grant of bail. Possibility of false implication, as is so alleged by the petitioner, cannot be ruled out. Also, no evidence corroborative in nature stands recorded by the police. Also, none has come forward to highlight the possible involvement of the petitioner in the crime. On what basis the Investigating Officer could link the accused to the crime is also not emanating from the record.

Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner, named above, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of like amount each to the satisfaction of learned ACJM-IV, Patna in connection with Shastri Nagar P.S. Case No. 173 of 2019 on the following conditions:-



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

(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, // bail bonds 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 //self available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

Any observation made herein shall not be construed to be an expression on the merits of the matter.

Petition stands disposed of in the above terms.

(Sanjay Karol, CJ)

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