

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6198 of 2020**

Arising Out of PS. Case No.-627 Year-2019 Thana- BIHTA District- Patna

ANAND PASWAN Son of Parmanand Paswan R/O - Dorapur, P.S.- Rani Talab, District- Patna. Permanent Address- Prakanha Chowki, P.S.- Rani Talab, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Mithilesh Kumar Upadhyay, Advocate Mr. Ranjan Kumar, Advocate
For the Opposite Party/s	:	Mr. Lalan Kumar, APP
For the Informant	:	Mr. Shaishav Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 09-06-2020 This application has been placed for consideration by the order of the Hon'ble the Chief Justice through virtual court proceeding.

Heard learned counsel for the petitioner and learned APP for the State as also learned counsel for the informant.

The petitioner in the present case is seeking regular bail in connection with Bihta P.S. Case No. 627 of 2019 registered for the offences punishable under Sections 302/34 and 120(B) of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the first information report, the son of the informant while going to his Sasural on 30.06.2019 at about 7:30 pm was found murdered near Mithapur, Bihta P.S. Bridge. Informant named



altogether nine persons including this petitioner alleging that in past also these persons had assembled at his house and had threatened to kill his son. It is alleged that on 27.05.2019 the co-accused Bhola Paswan, Binay Paswan and Bijay Paswan had threatened to kill the son of the informant.

Learned counsel submits that save and except mere suspicion against the petitioner because of prior enmity as alleged there is no material to connect him in the present case.

Learned APP for the State as well as learned counsel for the informant have opposed the prayer for regular bail of the petitioner.

Learned counsel for the informant has submitted that this petitioner is one of the accused in the earlier case lodged by the father of the deceased being Bihta P.S. Case No. 504 of 2019 under Sections 341, 323, 504, 506/34 IPC in which this petitioner is on bail. It is submitted that because of this enmity the petitioner and co-accused have hatched a conspiracy and killed the son of the informant.

Learned APP for the State has submitted from the case diary that the deceased was a driver of a tractor and he had met an accident recently in which one Mukhiya Paswan was killed and it has come in paragraphs 13 and 14 of the case diary that the relations of said Mukhiya Paswan had also threatened to take



revenge. In the case diary it has however not come that this petitioner in any way is related to said Mukhiya Paswan.

Having heard learned counsel for the petitioner, learned APP for the State as also learned counsel for the informant, considering the facts and circumstances of the case wherein the petitioner has been named among nine accused persons and his name has been involved in this case alleging that in past there had been some enmity between the accused persons and the family of the deceased but save and except that allegation there is no other material to connect in the present case, the case diary also reveals that the family of said Mukhiya Paswan had also threatened to take revenge for the accident in which Mukhiya Paswan was killed and further that co-accused Vijay Paswan who is similarly situated has been granted regular bail as is mentioned in the impugned order, the petitioner has remained in custody for six months, investigation against him is complete and there is no submission on behalf of the State that the release of the petitioner at this stage is in any way likely to adversely affect the course of trial, let the petitioner above named be released on bail in connection with Bihta P.S. Case No. 627 of 2019 on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction learned Additional Chief Judicial Magistrate-I, Danapur, Patna, subject to the conditions as laid



down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

avin/-rajeev

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

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

