

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15378 of 2020

Arising Out of PS. Case No.-102 Year-2018 Thana- BARURAJ District- Muzaffarpur

Yogendra Paswan @ Yogi Paswan Son of Late Tapeswar Paswan Resident of
Village - Vishunpur Horil, P.S.- Baruraj, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Tribhuwan Narayan, Advocate
For the Opposite Party/s :	Mr. Ajit Kumar, APP
For the Informant :	Mr. Udai Shankar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 26-06-2020 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State through
video conferencing.

The petitioner who is in custody since 9.12.2019 has
filed the instant application for grant of regular bail in
connection with S.Tr. no. 271 of 2019 arising out of Baruraj P.S.
Case no. 102 of 2018 registered under sections 364, 302, 120B
and 34 of the Indian Penal Code.

As per allegation in the FIR, the son of the informant, on
call had gone to the house of the accused persons and it is
further stated by the informant that she saw the seven named
accused persons including the petitioner herein hanging her son
on a tree leading to his death.



It is submitted by learned counsel for the petitioner that the allegation as levelled in the FIR are false and concocted. The same would be evident from the fact that soon after start of the investigation, the statement of the informant was recorded, from perusal of which it would transpire that she admits to not being an eye witness to the occurrence. It is further submitted that co-accused Rama Paswan and three others have been granted bail vide order dated 6.5.2019 (Annexure 3) passed in Cr. Misc no. 29072 of 2019. The petitioner has no criminal antecedent and is in custody since 9.12.2019.

The application for bail is opposed by learned counsel for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that there is direct allegation against the petitioner in the FIR. It is further submitted that the case of the other accused who have been granted bail are not on similar footing. It is further submitted that the trial in the case has commenced and as such the petitioner may not be released on bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including grant of bail to co-accused and statement of the informant during course of investigation, the Court is inclined



to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with S.Tr. no. 271 of 2019 arising out of Baruraj P.S. Case no. 102 of 2018 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Muzaffarpur.

However, in view of the fact that the trial in the case has commenced, it is directed that the petitioner shall remain present in the Court below on each and every date in the trial and in case of absence on two consecutive dates for reasons not to the satisfaction of the Court below, the bail bond of the petitioner shall be cancelled and he shall be taken into custody till conclusion of the trial.

(Partha Sarthy, J)

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