

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No. 17859 of 2020**

Arising Out of PS. Case No.-39 Year-2019 Thana- TANDWA District- Aurangabad

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MUKESH PASWAN Son of Brijmohan Paswan Resident of Village -
Barwadih Bishrampur, P.S.- Pipra, District - Palamu, (Jharkhand)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha, Advocate

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-06-2020 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.

The petitioner in the present case is seeking

regular bail in connection with Tandwa P.S. Case No. 39 of

2019 registered for the offences punishable under Sections

385 and 386 of the Indian Penal Code.

Learned counsel for the petitioner submits that the

petitioner is innocent and has been falsely implicated in the

present case. Learned counsel further submits that at the

time of alleged occurrence the petitioner was in jail custody



and he has no concern with the affairs of his brother Rakesh Kumar. He is in custody since 30.08.2019.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that on the alleged date when the complainant/informant was threatened through a mobile call, the petitioner was in jail custody and it was not possible for him to make call from inside the jail and further submission that the mobile number from which the phone call was made belongs to one Rakesh Kumar who is the real brother of the petitioner and from his mobile number four calls were made to the complainant but there is no material to say that when the phone calls were made from the mobile phone of said Rakesh Kumar the location of the said phone call was the area falling near the Jail premises as also that in the two cases in which the petitioner is said to have been made accused he has been enlarged on bail, let in the present case the petitioner above named be released on bail on furnishing of bail bonds o of Rs. 25,000/- (twenty five



thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurangabad in connection with Tandwa P.S. Case No. 39 of 2019, 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 of 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 subject to the further condition that the petitioner shall attend the trial on each and every date and two consequent failure to attend shall invite cancellation of bail.

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.

The application is allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Arvind

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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'.

