

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19489 of 2020

Arising Out of PS. Case No.-68 Year-2011 Thana- RAJEPUR District- East Champaran

SUHAG PASWAN Son of Ram Bilas Paswan @ Vilash Paswan Resident of
Village - Ram Nagar Math, P.S.- Siwaipatti, Distt - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 18-09-2020

The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioner and Sri Shailendra Kumar, the learned APP for the State.

The petitioner seeks regular bail in connection with Rajepur PS case no. 68 of 2011 instituted for the offences punishable under Sections 147, 148, 149, 302 of Indian Penal Code, 27 of Arms Act and 17 of C.L.A. Act.

The case of the prosecution in brief is that the accused persons including the petitioner herein had fired on the brother of the informant resulting in his death.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the



present case merely on suspicion and the co-accused person namely Indradev Thakur has named the petitioner in his confessional statement to be his accomplice. It is further submitted a general and omnibus allegation has been levelled against the accused persons and no test identification parade has been held till date so as to connect the petitioner with the alleged crime. Lastly, it is submitted that the said Indradev Thakur has already been granted bail by a co-ordinate Bench of this Court vide order dated 07.10.2015, passed in Cr. Misc. no. 18052 of 2015. It is also submitted that the petitioner is ready and willing to abide by such conditions as may be deemed fit and proper to be imposed by this Court for the purposes of grant of bail.

Per contra, the learned APP for the State vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the parties and taking into account the parity of the case of the petitioner with that of the co-accused person who has already been granted bail by co-ordinate Benches of this Court, though I deem it fit and proper to grant bail to the petitioner, however subject to certain conditions in view of his bad criminal



antecedent. Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sadar, Motihari, East Champaran in connection with Rajepur PS case no. 68 of 2011.

This Court further directs that since the investigation of the present case is going on, the petitioner herein would appear before the Officer-in-charge of the concerned police station on each and every Monday of the week and co-operate with the Investigating Officer and in case of two consecutive defaults in appearing before the said Officer-in-charge, the present privilege of anticipatory bail being granted to the petitioner herein shall stand cancelled automatically and the petitioner would be taken into custody forthwith.

(Mohit Kumar Shah, J)

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