

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 28620 of 2020**

Arising Out of PS. Case No.-68 Year-2018 Thana- RAJEPUR District- East Champaran

UPENDRA PASWAN S/o Ramekballi Paswan Resident of Village-Kadma,
P.S.-Rajepur, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Abhishek Kumar, Advocate

For the Opposite Party/s : Mr Abhay Kr, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 03-12-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner apprehends arrest in connection with Rajepur Police Station (for brevity, *PS*) Case No 68 of 2018 instituted for the offence punishable under Sections 302, 120B/34 of Indian Penal Code.



On alleged telephonic call received from co-accused Chandan Singh, informant's husband allegedly went to the house of Chandan Singh, never to return. The informant went to the house of Chandan Singh along with her father-in-law and found 11 accused persons variously armed. Petitioner is one amongst the 11 persons who are found in the house of Chandan Singh.

It is submitted by the petitioner's counsel that the petitioner bears a clean past. The petitioner is one amongst the 11 persons who are found allegedly in the house of Chandan Singh. Even, as per prosecution case, the missing husband of the informant, who has subsequently been found dead, had gone with Chandan Singh. No one has seen the killing of husband of informant. Others, similarly situated as the petitioner, namely, Ashok Singh, Jagarnath Singh, Krishna Singh @ Krishn Kumra and Mithilesh Singh @ Mithlesh Singh have been granted anticipatory bail by this Court in Cr Misc No 65744 of 2018, Cr Misc No 79119 of 2018 and Cr Misc No 65842 of 2018 respectively though the same has wrongly been mentioned in paragraph 12 of the petition as regular bail. It is submitted that admission of the said co-accused on anticipatory bail is apparent from copies of the order passed in the criminal miscellaneous



proceedings (Annexure 2 series).

Learned APP for the State has opposed the prayer for anticipatory bail.

In the facts and circumstances of the case, prayer of petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, before the Court below, within four (04) weeks from today, he shall be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Sadar, East Champaran at Motihari in Rajepur PS Case No 68 of 2018 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to



honour his undertaking given in the instant proceedings today
for depositing requisite Court fee and removing the defect (s), as
pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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