

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70696 of 2019**

Arising Out of PS. Case No.-91 Year-2019 Thana- HASPURA District- Aurangabad

Kalu Paswan @ Kallu Paswan S/O Ramchandra Paswan R/O Village-
Sitaldharichak/Titaldharichak, P.S.- Deokund, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Mukul Kumari, Advocate

For the Opposite Party/s : Mr.Braj Kishore Pd.(APP)

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 29-01-2020 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in **Haspura P.S. Case No. 91 of 2019 G.R. No. 602/2019**, registered for the offence punishable under Section 395 and 397 of the Indian Penal Code.

On 20/21.07.2019 at about 2.30 in the night, while the informant was sleeping along with her son, in the meantime, the informant saw five persons were standing inside her house and one person was standing in the courtyard armed with a gun. The accused persons who were inside her house demanded key of Godrej and said that they were from a Party and were coming for guns. On protest, one of them fired upon the son of informant who sustained firearm injury on his finger of right leg.

It is submitted by learned counsel appearing on behalf



of petitioner that petitioner has falsely been implicated in this case. Petitioner is not named in the FIR. Petitioner has been arrested by the police on mere suspicion, during course of investigation. No incriminating article has been recovered from possession of this petitioner. There is no material which shows the complicity of this petitioner in the alleged crime. Till date no test identification parade has been held. Charge-sheet has already been submitted and there is no allegation of tampering with the evidence against this petitioner. Petitioner is in custody since 14.08.2019 having clean antecedent.

Considering the facts aforesaid, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned **Judicial Magistrate, Daudnagar, Aurangabad** in connection with **Haspura P.S. Case No. 91 of 2019 G.R. No. 602/2019**, subject to the following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be



cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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