

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12247 of 2021**

Arising Out of PS. Case No.-542 Year-2020 Thana- MAHUA District- Vaishali

SUDHIR PASWAN @ SUSHIR PASWAN Son of Dharikshan Paswan
Resident of Village - Jahangirpur Salkhani, P.S.- Mahua, Dist.- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Mrityunjay Kumar, Advocate

For the Opposite Party : Mr. Jharkhandi Upadhyay A.P.P.

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

2 29-06-2021 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under sections 302/34 of the Indian Penal Code.

As per the prosecution case, all the eleven FIR named accused persons including this petitioner assaulted the son of the informant who died during treatment.

Learned counsel for the petitioner submits that even as per the FIR, there is general and omnibus allegation of assault against all the FIR named accused persons. No specific overt act has been alleged against this petitioner. Even as per the



FIR, the dispute of the victim was with co-accused Baleshwar Paswan and not with the petitioner. Further no motive of murder has been alleged with respect to the petitioner. Petitioner has claimed clean antecedent and he is in custody since 20.9.2020. Investigation is complete.

Considering the rival submissions of the parties, materials available on the record and the fact that no specific overt act has been alleged against the petitioner who is in custody for more than nine months, let the petitioner, mentioned above, 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 Chief Judicial Magistrate, Vaishali at Hajipur in Mahua Police Station Case No. 542 of 2020 on the following conditions:-

(1) 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 on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move



for cancellation of bail.

(Prabhat Kumar Singh, J)

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