

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18279 of 2021

Arising Out of PS. Case No.-157 Year-2019 Thana- MAHUA District- Vaishali

Santosh Paswan @ Santosh Kumar, Son Of Shrawan Paswan R/O - Asoi
Lacchiram, P.S.- Bhagwanpur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nityanand Kumar, Advocate

For the Opposite Party/s : Ms. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 02-11-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Mahua
P.S. Case No.157 of 2019, initially registered for the offence
punishable under Sections 394, 302, 34 of the I.P.C. in which
subsequently Sections 396 and 397 I.P.C. have also been added.

The allegation is that four accused persons fired
upon the elder brother of the informant, namely, Manoj Kumar
Singh, and his friend Birendra Rai, who were posted as Home
Guard Jawans, when they had gone to deposit money in the
Bank along with the Cashier and also snatched the bag and
made good their escape. As a result of the gun shot injuries, the
informant's brother and Birendra Rai died in course of
treatment.



Counsel for the petitioner submits that the petitioner is not named in the F.I.R. His name has transpired on the basis of confessional statement of co-accused Sippu Chaudhary. It is further submitted that neither any incriminating article has been recovered from his conscious possession nor he has been put on T.I.Parade. Chargesheet/prosecution report has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner. He in custody since 03.09.2020. Co-accused Bittu Chaudhary @ Raju and Santosh Kumar @ Nini, whose names have also surfaced on the basis of confessional statement of co-accused, have been allowed bail in Cr.Misc. No.27192 of 2020 and Cr.Misc. No.41607 of 2021.

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

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned



Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Mahua P.S. Case No.157 of 2019, subject to 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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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