

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19541 of 2021**

Arising Out of PS. Case No.-208 Year-2019 Thana- RAGHOPUR District- Supaul

Ram Kumar Paswan Son Of Inerdev Paswan Village Karhari Ward No 9 Ps
Bhaptiyahi, District- Supaul

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashwani Kumar Tiwary, Advocate

For the Opposite Party/s : Ms. Asha Devi, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 03-08-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Raghapur P.S. Case No. 208/2019 registered

for the offences punishable under Section 302, 201, 120(B)/34

of the Indian Penal Code.

As per the prosecution story, the informant alleged

that on 30.09.2019 at about 7:00 P.M. the F.I.R. named accused

persons taken away his son for taking participation on the feast

but thereafter his son did not return till morning. It is alleged

that when the informant wake up in the morning the nearby

people informed him that his son has sustained gun injury, thereafter he reached at the place of occurrence and came to know that there was altercation between tempo driver and two to four motorcycle rider and the said injured person was taken away on the said Tempo. The motorcycle belonged to one Ramanand Mukhiya. The informant found the dead body of his son lying on the road near Narha more.

Learned counsel for the petitioner submits that the name of the petitioner has transpired in the confessional statement of co-accused Ashok Kumar Mukhiya, however no positive material has been collected against the petitioner and this fact would be evident on going through the impugned order passed by learned Additional Sessions Judge - 3rd Court, Supaul.

Learned counsel submits that from the impugned order itself it is clear that co-accused Ashok Kumar Mukhiya had fired upon the son of the informant and while being taken to the hospital he died.

Learned counsel further submits that the co-accused Chandan Kumar @ Chandan Kumar Mehta who is named in the First Information Report has been granted bail by learned coordinate Bench of this Court in Cr. Misc. No. 31370/2020.

Learned A.P.P. for the State has though opposed the

prayer for regular bail of the petitioner, considering the facts and circumstances of the case wherein there is no specific allegation against the petitioner, he is in custody since 03.11.2020, investigation against him is complete, but the trial is not likely to take place in near future, he has got two criminal antecedents as stated in paragraph '3' and learned counsel submits that the petitioner is on bail on both the cases, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Birpur, Supaul, in connection with Raghapur P.S. Case No. 208/2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or

tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.