

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20033 of 2021**

Arising Out of PS. Case No.-407 Year-2017 Thana- TEKARI District- Gaya

Upendra Paswan, S/O Ramji Paswan, R/O Village-Pakri, P.S-Konch, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Durgesh Nandan, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 01-09-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual Court proceedings.

The petitioner seeks bail in a case registered for the offence punishable under Sections 384, 386, 387, 504, 506, 509, 431, 427, 436, 447, 461, 120(B)/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 17 of the Criminal Law Amendment Act.

Prosecution case, in brief, is that the informant being contractor got information through mobile at night by his Munsfi that the accused persons named and unknown came at the construction place and they lit fire and burnt bamboo sentering and damaged about 70 bags of cement and fled away by resorting firing and raising slogan of Maobadi, the Munsfi of the informant disclosed the name of the accused persons in number sixteen including the petitioner and disclosed that they have



done this act.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that there is no specific overt act against the petitioner. There is general and omnibus allegation the petitioner. During course of investigation, the name of the petitioner has come in the confessional statement of co-accused, namely Kariman Yadav, who has been granted bail by a co-ordinate Bench of this Court vide order dated 20.07.2018 passed in Cr. Misc. No.43614/2018 as Annexure-2 of the bail application. The petitioner is languishing in judicial custody since 16.10.2020. The petitioner has got 02 criminal antecedents which is mentioned in para 3 of the bail petition.

Learned APP for the State vehemently opposed the prayer for bail application.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with Tekari (Mau) P.S. Case No. 407/2017 to the satisfaction of learned Court below where the case is pending/ successor Court; subject to the following conditions:



(1) that one of the bailors will be a close relative of the petitioner, who will be given an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(3) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bond will be liable to be cancelled.

(4) that the petitioner shall co-operate with the investigation, if not already concluded and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

amitkumar/-

U		T	
---	--	---	--

