

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28460 of 2021

Arising Out of PS. Case No.-55 Year-2012 Thana- PARAIYA District- Gaya

BIHARI PASWAN Son of Indradeo Paswan Resident of Village - Baikatpur,
Police Station - Konch, District - Gaya.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Manish Kumar No.2, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-11-2021 Learned counsel for the petitioner undertakes to remove the defects as pointed out by the Stamp Reporter within four weeks after start of normal functioning of this Court.

Heard learned counsel for the petitioner and Mr. Md. Fahimuddin, learned APP for the State.

The petitioner in the present is seeking regular bail in connection with Paraiya P.S. Case No. 55 of 2012 registered for the offences punishable under Sections 302, 201 and 34 of the Indian Penal Code. The petitioner is in custody since 28.01.2021. He has no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, at the brick kiln of the informant in the night of 18.06.2012 three persons arrived and asked him to provide water for the members of Ranveer Sena sitting near the river, Ashok Ram the guard of the brick kiln also arrived there and he was asked to arrange water and then after taking the jerkin containing water guard Ashok



Ram proceeded with those persons but he did not return and on the next morning his dead body was found.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR and his name has transpired in paragraph 82 of the supplementary case diary after seven years of the occurrence, the persons who arrived for taking water have not been identified so far, the co-accused similarly situated have been granted bail by learned co-ordinate Benches of this Court as stated in paragraph '13' of the present application. The petitioner is in custody since 28.01.2021 having no criminal antecedent.

Having regard to the facts and circumstances of the case wherein this petitioner is not named in the first information report, the three persons who had allegedly come at the water pump and had demanded the water have not been identified so far by the informant, there is specific statement of the petitioner that for a period of about seven years no material came against him and it is only in paragraph '82' of the supplementary case diary that his name has transpired later, the co-accused similarly situated have been granted bail by learned co-ordinate Bench of court and several such cases have been referred in paragraph '13' of the present application, the petitioner has remained in jail in connection with this case since 28.01.2021 and at this stage the trial is not likely to be concluded in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with



two sureties of the like amount each to the satisfaction of Sri Vijayant Singh, Judicial Magistrate Ist Class, Gaya in connection with Paraiya P.S. Case No. 55 of 2012, subject to the conditions as laid down under Section 437(3) of the Cr.P.C.

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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

