

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34007 of 2021

Arising Out of PS. Case No.-358 Year-2013 Thana- HAJIPUR SADAR District- Vaishali

BIGAN PASWAN Son of Durga Paswan Resident of Village - Sarai, P.S.-
Sarai, District - Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Satya Prakash Sinha, Advocate
For the Opposite Party/s : Mr.APP.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-11-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Sadar Hajipur P.S. Case No. 358 of 2013 registered for the offences punishable under Sections 302, 120(B)/34 of the I.P.C.

According to prosecution case, on 21.10.2013 one custody accused, namely, Rambalak Ram was found dead in his ward no. 3/4. Postmortem was held on the dead body and the doctor found that Rambalak Singh died due to asphyxia and throttling. Thereafter, all the inmates of ward no. 3/4 were made accused in this case.

Learned counsel for the petitioner submits that



petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. Petitioner is not named in the FIR. There is no eye witness of the alleged occurrence. On mere suspicion, all the inmates of ward no. 3/4 have been made accused. Learned counsel further submits that co-accused, namely, Ram Pravesh Rai, Ashok Sukla, Guddu Kumar, Rakesh Kumar Singh, Ranjit Sukla, Shitranjan Sharma, Shruv Sahni and Md. Sakil have been granted bail by the co-ordinate Benches of this Hon'ble Court vide Cr. Misc. No. 17283/2014, 22702/2014, 28712/2014, 30697/2014, 37982/2014, 39618/2014, 45471/2014, and 9112/2015 respectively. Petitioner is in custody since 13.12.2020. Petitioner carries one criminal antecedent.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, 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 the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Sadar Hajipur P.S. Case No. 358 of 2013, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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.

(Rajesh Kumar Verma, J)

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