

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30537 of 2020

Arising Out of PS. Case No.-72 Year-2020 Thana- MUNGER MUFFASIL District- Munger

Abhishek Kumar, Son of Parmanand Paswan @ Paramanandana Paswan,
Resident of Village/Muhalla – Maniyarchak (Silaha), P.S. - Muffasil, District -
Munger

..... Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjiv Kumar Singh, Advocate

For the Opposite Party/s : Mr. Pranav Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 25-01-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner, in the present case, is seeking regular
bail in connection with Muffasil P.S. Case No. 72 of 2020
registered for the offence under Sections 302, 201, 120(B), 34 of
the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the
informant in her fardbeyan alleged that in the night of
10.03.2020 the F.I.R. named accused persons entered in her
house variously armed and asked for her son-in-law and while
they were leaving the house they took her husband alongwith
them. On the next day dead body of her husband was found.

Learned counsel for the petitioner submits that the
petitioner is said to be one among the people who had gone to



the house of the informant on the alleged date of occurrence. There is no specific allegation against the petitioner of causing any assault to anybody. It is further submitted that on the one hand it is alleged in the F.I.R. that co-accused Ravish Kumar opened F.I.R. in air at the house of informant and on the other hand it is stated that said Ravish Kumar had been shot at in her stomach by her son-in-law of the informant earlier on the same day. Learned counsel submits that there is no eye witness to the alleged occurrence. The petitioner is in custody since 11.03.2020.

Learned A.P.P. for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this petitioner has been named one amongst the 12 named accused persons, allegation against him is that he was also among the people who had gone to the house of the informant, however, there is no allegation that this petitioner had committed any assault or had fired on the son or husband of the informant, there is no eye witness to the alleged occurrence and it is the submission of the learned counsel for the petitioner that on the one hand it is stated that the co-accused Ravish had been shot at in his stomach by the son-in-law of the informant,



said Ravish had suffered injuries but at the same time it is alleged that he was also present on the place of occurrence whereas the witnesses are suggesting that her kith and kin had gone to the place of occurrence in search of the son-in-law of the informant, in the nature of the prosecution story and that no material has been brought to the notice of this Court by learned A.P.P. for the State suggesting that anybody else had seen this petitioner committing any overt act, the petitioner having remained in jail for 10 months approximately, investigation against him is complete, let the petitioner above named be released 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 Chief Judicial Magistrate, Munger in connection with G. R. No. 478 of 2020 arising out of Muffasil P.S. Case No. 72 of 2020, 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 antecedents 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 bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

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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'.

