

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37514 of 2020

Arising Out of PS. Case No.-352 Year-2019 Thana- SAHPUR District- Bhojpur

Vicky Paswan Son of Ram Kumar Paswan @ Ram Kumar Ram R/O village -
Shahpur, P.S. - Shahpur, District- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Manoj Kumar, Advocate
For the Opposite Party/s :	Mr. Yogendra Kumar Singh, A.P.P.
For the informant :	M/s Rajendra Nath Sinha and Balajeet Kumar, Advocates

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 09-03-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner has filed the instant application for grant of regular bail in connection with Shahpur P.S. Case no. 352 of 2019 registered under sections 307, 302, 386 and 34 of the Indian Penal Code and section 25(1-B)(a), 26, 35 and 27 of the Arms Act .

As per allegation in the first information report, seven named accused persons including the petitioner herein came and started to abuse. On the call given by Kapildeo Sonar it is stated that Mantu Sonar, Ravinandan Sonar and Dinesh Sonar fired on different persons as a result of which two persons died.

It is submitted by learned counsel for the petitioner that the allegation so far as the petitioner is concerned is false



and concocted. Even accepting the allegations in the first information report for the sake of argument, it is submitted that except for being named as one of the co-accused present, no overt act has been alleged against him. Case of the the petitioner stands on a similar footing to that of Kapildeo Sonar who has been enlarged on bail by this Court. The petitioner is in custody since 8.1.2020, chargesheet has been submitted in the case and he has no criminal antecedent.

The application for bail is opposed by learned Additional Public Prosecutor for the State and learned counsel appearing for informant. It is submitted by learned counsel for the informant that the petitioner is one of the named accused who took active part in the occurrence in which two persons were brutally murdered. It is submitted that the case against the petitioner has been supported by the witnesses in course of investigation, wherein the petitioner has been named as one of the co-conspirators. Learned counsel for the informant refers to paragraph nos. 39 and 104 of the case diary in support of his contentions. It is submitted that the bail be rejected.

Having heard learned counsel for the parties and taking into consideration the petitioner being in custody since 8.1.2020, chargesheet in the case having been submitted and no



overt act has been levelled against the petitioner, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Shahpur P.S. Case no. 352/2019 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate I, Bhojpur at Ara.

(Partha Sarthy, J)

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