

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.37200 of 2020**

Arising Out of PS. Case No.-30 Year-2020 Thana- BHELDI District- Saran

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GUDDU PASWAN, Son of Raj Kumar Ram @ Raj Kumar Paswan, Resident
of Village - Basatpur, P.S.- Dighwara, Distt.- Saran at Chapra.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Rajani Kumari, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 13-07-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Ram
Sumiran Rai, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Bheldi P.S. Case No. 30 of 2020 registered for

the offence punishable under Sections 302, 392/34 of the Indian

Penal Code and Section 27 of the Arms Act. He is in custody

since 08.05.2020.

The prosecution story, in brief, is that the informant

filed a written report before the Police stating therein that his

younger brother is running C.S.P. of the State Bank of India. It



is further alleged that on 03.02.2020 the younger brother of the informant went to withdraw money from the Bank and as soon as he reached near the village Bedwaliya Middle School three accused persons indicates to stop then one culprit out of three snatched the bag and fled away.

Learned counsel for the petitioner submits that in the First Information Report itself the informant has specifically alleged against co-accused Jhunnalal Yadav who had fired from his pistol on the brother of the informant which proved fatal for him, so far as this petitioner is concerned, he was not identified on the spot.

Learned counsel further submits that the petitioner has been remanded in this case from Bheldi P.S. Case No. 37 of 2020 registered for the offence under Sections 399 and 402 of the Indian Penal Code in which he is on bail.

Mr. Ram Sumiran Rai, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner and submits that he has made confessional statement before the Police and a sum of Rs. 26,000/- approximately has been recovered from the petitioner. It is, however, not denied that the specific allegation of firing and killing the brother of the informant against the co-accused Jhunnalal Yadav.



Considering the aforementioned facts and circumstances particularly the specific allegation is against Jhunnalal Yadav and in this case only material which has been brought to the notice of this Court is the confessional statement of the petitioner in Police custody, investigation against him is complete, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge XIII, Saran at Chapra in connection with Bheldi P.S. Case No. 30 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 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.

(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'.

