

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39133 of 2020

Arising Out of PS. Case No.-310 Year-2019 Thana- PIPRA District- East Champaran

Nandlal Paswan, Son of Rameshwar Paswan, Resident of Village- Banjariya,
P.S.- Pipra, District- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 12-02-2021 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. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Pipra P.S. Case No. 310 of 2019 registered for the offence under Section 302 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is not named in the First Information Report, however, his name has transpired in the confessional statement of the co-accused Rambabu Manjhi. The said co-accused Rambabu Manjhi and several others similarly situated have been granted privilege of regular bail by learned coordinate Benches



of this Court in Cr. Misc. No. 8821 of 2020 and Cr. Misc. No. 75987 of 2019.

Learned counsel submits that earlier the petitioner had moved this Court but vide order dated 18.12.2019 the said application being Cr. Misc. No. 74700 of 2019 was disposed of as withdrawn with permission to file a similar application afresh in accordance with law after nine months.

It is then pointed out that this application was though listed before the learned coordinate Bench where earlier the permission was granted to withdraw the application with observation, however, the said learned coordinate Bench has been pleased to direct not to treat it a tied-up matter and to list this case before regular Bench as per seniority of the case and that is how the matter has been placed before this Court.

Learned A.P.P. for the State is present and does not dispute that the name of the petitioner has transpired in the confessional statement of the co-accused who has already been granted privilege of bail by learned coordinate Bench of this Court.

Having regard to the facts and circumstances of the case, in the given facts and circumstances that there is no specific allegation against the petitioner, his name has transpired



in the confessional statement of the co-accused and the co-accused similarly situated have been granted bail by learned coordinate Benches of this Court, petitioner has remained in jail for over one year after the earlier order passed by learned coordinate Bench of this Court but the trial is not likely to be concluded in near future, 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, Motihari, East Champaran in connection with Pipra P.S. Case No. 310 of 2019, 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'.

