

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.279 of 2021

Arising Out of PS. Case No.-596 Year-2018 Thana- NAUBATPUR District- Patna

NIRMAL PASWAN son of Chanda Paswan Resident of Village- Husainchak,
PS- Masaudhi, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar Upadhyay, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-03-2021 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 Naubatpur P.S. Case No. 596 of 2018 registered for the offence under Sections 147, 148, 149, 341, 302, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that as per the prosecution story the informant in his fardbeyan has stated that on 07.12.2018 at about 9:00 PM when he and his step-father were going to the parental house then F.I.R. named 11 accused and 4-5 unknown accused including the petitioner forcibly took away his step-father with them towards south field and assaulted him. The informant raised noise and informed the



matter to the villagers and when he reached at the field he found his step-father dead who had sustained several fire arm injury on his body.

Learned counsel submits that the petitioner is innocent and has been falsely implicated in this case merely on suspicion and that there is no specific allegation against the petitioner in the F.I.R. Learned counsel submits that the petitioner has got no criminal antecedent and the similarly situated co-accused have been granted bail by learned co-ordinate Benches of this Court.

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 it is the submission of the learned counsel for the petitioner that the petitioner has been named in the present case among the 11 named accused and 4-5 unknown accused, the implication of the petitioner is on mere suspicion, it is a case of over-implication and considering the nature of the allegations and the materials, the learned coordinate Benches of this Court have granted privilege of regular bail to the co-accused in Cr. Misc. No. 11313 of 2019, Cr. Misc. No. 16047 of 2019 and Cr. Misc. No. 42020 of 2019, let the petitioner who is similarly



situated 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 A.C.J.M.- II, Danapur in connection with Naubatpur P.S. Case No. 596 of 2018, 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.

The application stands disposed of accordingly.

(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'.

