

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39825 of 2020

Arising Out of PS. Case No.-27 Year-2020 Thana- GOH District- Aurangabad

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VIJAY PASWAN Son of Late Parmeshwar Ram Resident of Village-
Chanhat, P.S.- Haspura, Distt- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha
For the Opposite Party/s : Mr. Mritunjay Kumar Nirala

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 24-06-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual Court proceedings.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 147, 148, 149, 323, 379 &
302 of the Indian Penal Code.

The prosecution case, in brief, is that 15-16
miscreants came in the base camp of a bridge under construction
and are said to have caught hold the informant and assaulted
him. When his brother rushed in his rescue, one of the accused
fired upon him and died on the way to the hospital.

It is submitted by learned counsel for the petitioner
that no such occurrence as alleged ever took place. He is quite
innocent and has been falsely implicated in this case. He is
neither named in the F.I.R. nor was apprehended on the spot.



No incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is no eye witness in the present case. There is nothing in the record indicating the complicity of the petitioner in the occurrence barring the confessional statement of Raju Singh which has no evidentiary value in the eye of law. The petitioner has been languishing in custody since 26.05.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Goh P.S. Case No.27 of 2020, subject to the following conditions :

(1) that one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) that the bailor shall also state on affidavit that he



will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(3) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bond will be liable to be cancelled.

(4) that the petitioner will mark his attendance in the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(Anjani Kumar Sharan, J)

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