

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6345 of 2021

Arising Out of PS. Case No.-240 Year-2019 Thana- SABAUR District- Bhagalpur

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Pawan Paswan @ Pawan Kumar Paswan Aged about 50 years Son of Siya
Ram Paswan Resident of Mohalla- Jawaripur, P.S.- Tilaka Manjhi, Distt-
Bhagalpur ... Petitioner

Versus

The State of Bihar ... Opposite Party

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Appearance :

For the Petitioner/s : Mr.Bijendra Kumar, Advocate

For the Opposite Party/s : Mrs. Dr.Indivar Kumari, Addl Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 13-04-2021 This matter is taken up for consideration through Video Conferencing.

Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under section 302 of the Indian Penal Code.

As per the prosecution case, on 05.08.2019 at about 7:00 p.m. in the evening, informant's father-in-law had gone out of home but did not return till whole night. On 06.08.2019 at 6.30 a.m., her Fufera Sasur Mukesh Das called on mobile phone and informed her that her father-in-law has been murdered by someone by pricking knife in his neck and his dead body is lying at Pathra Bahiyar beside the road in Sardho. Thereafter, she along with her family members went there and found his dead body.



Learned counsel for the petitioner submits that the petitioner is not named in the FIR. There is no eye-witness of the occurrence and the only allegation against the petitioner is that at the relevant time, his mobile phone location was found near the place of occurrence as per paras 33 and 44 of the case diary. Similarly situated co-accused Meena Devi has already been allowed bail by this Court vide order dated 8.6.2020, passed in Cr.Misc.No. 6352/2020. Petitioner is in custody since 15.2.2020 and charge sheet has already been submitted.

Considering the facts and circumstances of the case and the fact that the petitioner is not named in the FIR and the only allegation against the petitioner is that at the relevant time, his mobile phone location was found near the place of occurrence, the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate XI, Bhagalpur in Sabour Police Station Case No. 240 of 2019 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court



and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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