

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3451 of 2022

Arising Out of PS. Case No.-62 Year-2021 Thana- MEHANDIA District- Jehanabad

=====

KRISHNA MOHAN PASWAN Son of Ram Karan Paswan Resident of
Village- Khaira Bigha, P.S.- Mehandia, District- Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Yogendra Kumar Dwivedi,Adv

For the Opposite Party/s : Mr.Satya Nand Shukla,APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-05-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State in virtual Court proceeding.

Petitioner seeks bail in a case registered for the offence punishable under Sections 302,201,34 of the IPC.

The prosecution case, in short, is that the informant alleges that on 26.05.2021 at about 9.00 P.M. his son Navin Kumar alongwith his friend was sitting outside of Baithka of Sonu Kumar son-in-law of his villager namely Rajesh Paswan, Bhola Paswan and Dilip Kumar came there and said that battery of his vehicle has discharged and demanded to give battery of their vehicle and on that his son and his friends refused to give



the battery then all three persons started assaulting them and on that his son and his friends started fleeing towards village but in meantime on the challenge of Vinay Kumar Paswan, Raj Kumar Paswan Jeet Kumar, Rajesh Paswan, Ram Mohan Paswan Krishna Mohan Paswan, Rajesh Paswan, Deepak Paswan Bhola Paswan accused of this case apprehended the son of informant and taken away him to else where unknown place and his friends after searching home given the same information to informant and thereafter informant alongwith other villagers started searching his son but got no clue and next day on 26.05.2021 got information that after killing his son his dead body has been thrown in the Jinora field of Rajesh Pandey of village Chakiya. Further alleged that informant and his family members went there and saw that deceased back side of head has serious injury and near right hand elbow also has injury caused by sharp weapon and also burnt by some inflammable substance for killing him.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case only on the basis of suspicion. He further submits that it appears from the FIR that there is general and omnibus allegation against all the accused persons



including the petitioner and nothing specific overt-act has been attributed against the petitioner and during investigation nothing has come against the petitioner. He further submits that similarly situated, co-accused persons, namely, Vinay Kumar Paswan has been granted bail by this Court vide order dated 11.04.2022 passed in Cr. Misc. No.47492 of 2021 and another co-accused namely, Rajesh Kumar@ Rajesh Paswan @ Jallu Paswan has been granted bail vide order dated 27.04.2022 passed in Cr. Misc. No.69458 of 2021 , Raj Kumar Paswan has been granted bail vide order dated 11.05.2022 in Cr. Misc. No.71909 of 2021 and Ram Mohan Paswan has been granted bail vide order dated 11.05.2022 in Cr. Misc. No.68217 of 2021 by this Court and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 01.11.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Mehandia P.S. Case No. 62 of 2021, with 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.

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.

(Rajesh Kumar Verma, J)

Nitesh/-

U		T	
---	--	---	--

