

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5614 of 2022

Arising Out of PS. Case No.-257 Year-2019 Thana- BARHARA District- Bhojpur

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RAMESHWAR PASWAN Son of Ramadhar Paswan Resident of Village-
Mahudahi, P.S.- Badahara, District- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-05-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Barhara Police Station Case No. 257 of 2019, registered for the
offences punishable under Sections 302/34 of the Indian Penal
Code and Section 27 of the Arms Act.

The prosecution case, as per the First Information
Report, is that the co-accused Ajay Singh called the informant
and his brother to have some discussion in an orchard and when
they reached in the orchard, co-accused Raj Narayan Singh
ordered to kill the informant and his brother, upon which co-
accused Ajay Singh fired upon the brother of the informant, due
to which he died.

Learned Counsel for the petitioner submits that



altogether seven persons have been made accused in this case and from perusal of the First Information Report, it would be evident that the allegation against the petitioner is general and omnibus in nature and he is not the assailant. He further submits that similarly situated co-accused persons, namely, Sujit Singh and Vikash Singh, have been granted bail by co-ordinate Bench of this Court, vide order, dated 20.11.2019, passed in Criminal Misc. No. 72566 of 2019. further submits that the petitioner is in custody since 04.09.2021, having no criminal antecedent, and charge sheet has already been submitted against him and as such there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions made on behalf of the parties and taking into consideration the materials on record and the fact that the petitioner is not the assailant, no overt act has been alleged against the petitioner in the First Information Report, similarly situated co-accused persons have been granted bail by this Court, charge sheet has already been submitted and the petitioner is in custody since 04.09.2021, having no criminal antecedent, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.



Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, at Ara, in connection with Barhara Police Station Case No. 257 of 2019.

This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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