

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7779 of 2022

Arising Out of PS. Case No.-373 Year-2021 Thana- GOPALPUR District- Patna

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Suri Paswan @ Suraj Kumar Son Of Arvind Paswan R/O Village-
Manoharpur, Kachhuara, P.S.- Gopalpur, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sudhanshu Shekhar

For the Opposite Party/s : Mr.Anant Kumar 1

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-06-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the learned
APP for the State.

Petitioner seeks regular bail in a case registered for the
offence punishable under Section 302/34 of the Indian Penal Code.

As per allegation the informant's son was found dead in
the morning of fateful day and a black mark was found on his neck
and the informant suspected the petitioner and co-accused persons
to have killed his son on account of a dispute of money transaction
running between the deceased and co-accused person.

The main submissions advanced by learned counsel for
the petitioner are that the petitioner has clean antecedent and one
co-accused Dayanand Malah @ Sadanand Kumar carrying similar



nature of allegation has been granted bail by this Court vide order passed in Cr. Misc. No. 19848 of 2022 and the present petitioner has been languishing in jail since 26.11.2021 and except suspicion raised by the informant in the FIR there is no any other legal evidence and as per prosecution story neither the informant nor his family members claimed to have seen this petitioner as being involved in the commission of the alleged murder of the informant's son.

Learned APP has opposes the prayer for bail.

Having considered the above submissions and petitioner's case being similar with co-accused namely Dayanand Malah @ Sadanand Kumar who has been granted anticipatory bail by a co-ordinate bench of this Court vide order passed in above mentioned Cr. Misc., and the present petitioner has got no criminal antecedent as per para no. 3 of his petition and the informant has simply raised suspicion against the petitioner in respect of the alleged murder of his son, in my view a lenient approach can be taken in respect of petitioner's prayer, let the petitioner 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 concerned Court in connection with Gopalpur P.S. case No. 373 of 2021 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 below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) The Court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the Court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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