

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9874 of 2022

Arising Out of PS. Case No.-487 Year-2020 Thana- PHULWARISHARIF District- Patna

Baby Paswan @ Bobby Paswan S/o Meghan Paswan R/o Mohalla- F.C.I.
Road, P.S.- Phulwarisharif, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parmeshwar Vishwakarma, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 26-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Phulwarisharif P.S. Case No. 487 of 2022 registered for the
offence under Sections 302 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 29.09.2020.

The allegation against the petitioner is to commit
murder of his friend along with other co-accused, where the
dead body of injured/deceased was taken to hospital by
informant of this case, who was one of the member of police
patrolling party.



Learned counsel appearing on behalf of the petitioner submitted that deceased was identified by his brother, namely, Bittu Kumar after going through the photographs published in daily newspapers and stated before the police that his deceased brother was in inimical terms with petitioner and other co-accused persons, namely, Aman Kumar and Anshu Kumar. It has further been submitted that in furtherance of the said disclosure, nothing incriminating material recovered from the possession of the petitioner, who is a man of clean antecedent. It is submitted that similarly situated co-accused person, namely, Aman Kumar, has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 32396 of 2021 dated 03.01.2022. While concluding the argument, it has been submitted that charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned above, as nothing incriminating surfaced or recovered from the possession of the petitioner, which may connect the petitioner, *prima facie*, with present set of occurrence coupled with the fact



that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Phulwarisharif P.S. Case No. 487 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Sub Judge IX cum A.C.J.M, Patna/concerned court, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Rinki Devi, who is the pairvikar and mother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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