

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14888 of 2022

Arising Out of PS. Case No.-20 Year-2013 Thana- SAHEBGANJ District- Muzaffarpur

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Raju Paswan @ Raju Patrakar @ Gonaur Paswan S/o Naresh Paswan R/o
Village- Dhodhi Ratan, P.S.- Kudhani, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Adv.

For the Opposite Party/s : Mr. A.G. APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

4 08-12-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Sahebganj P.S. Case No. 20 of 2013 lodged under Sections
302/34 of the I.P.C. read with Sections 17 of the C.L.A. Act and
Sections 13, 15, 16 of the U.A.P. Act.

As per the allegation in the F.I.R., the informant has
disclosed that 3 persons were assaulted to her husband by
deadly weapons and she has identified them as Kishori Manjhi,
Dharmendra Manjhi and Kameshwar Manjhi but name of the
petitioner has not figured in the F.I.R.

Learned counsel for the petitioner submits that

petitioner was not given in the F.I.R. His name has figured in this case by virtue of confessional statement of co-accused. Learned counsel submits that it is a case of the year 2013 but he was completely unaware about his acquisition relating to the present case. He has fully described the reason in paragraph 8 and 9 of the present application. According to him, he was arrested on 03.02.2021 in another case and he was remanded in present case on 03.06.2021 on the basis of letter of remand dated 09.03.2021 written by I.O. to the Learned A.C.J.M.-V, West Muzaffarpur. Learned counsel submits that the Sessions Court has failed to appreciate this aspect of the matter and only due to this reason that the case is of 2013 and petitioner has moved for bail in the year 2021-22, his bail application was rejected. Learned counsel submits that the some of the main accused persons as well as another accused persons have been granted bail by the Co-ordinate Bench of this Court on various dates and in various Bench annexed in this petition as Annexure-2(Page 19-31).

Learned counsel submits that there are 2 criminal antecedent of the petitioner and in both the cases, he is on bail. Learned counsel submits that he is in custody since 03.06.2021 in this case and he is ready to fulfill all the conditions

whatsoever shall be imposed upon him.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st, West, Muzaffarpur in connection with Sahebganj P.S. Case No. 20 of 2013, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of

this condition shall be resulted into cancellation of his present
bail bond.

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

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