

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15641 of 2022

Arising Out of PS. Case No.-117 Year-2019 Thana- DINARA District- Rohtas

MADAN PASWAN, Son of Late Bhola Paswan Resident of Village -
Indrathkala, P.S.- Bikramganj, District - Rohtas at Sasaram.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Raghunandan Kumar Singh, Advocate

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 30-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with
S.Tr. No. 105 of 2021, arising out of Dinara (Bhanas) P.S. Case
No. 117 of 2019, for the offence punishable under Sections 394
and 302 of the Indian Penal Code.

The allegation is that four unknown miscreants shot
on the father of the informant with country made pistol as a
result of which the father of informant died and they looted Rs.
Two lakhs from the informant and fled away.

Learned counsel appearing on behalf of the petitioner
submits that the name of petitioner has surfaced in course of
investigation on the basis of confessional statement of co-
accused namely Shri Niwash Choudhary and Bihari Pandey,



who have already been released on bail vide order dated 27.11.2019 passed in Criminal Miscellaneous No. 53000 of 2019 and vide order dated 04.12.2019 passed in Criminal Miscellaneous No. 52547 of 2019, respectively. He further submits that petitioner's case is on better footing as till date, no T.I.P. has been conducted. He further submitted nothing has been collected against the petitioner except the confessional statements of co-accused before the Police, which has no evidentiary value.

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

Considering the fact that in the present case the name of petitioner has surfaced on the basis of confessional statement of co-accused namely Shri Niwash Choudhary and Bihari Pandey and both of them have already been released on bail. There is no allegation of tampering the evidence or influencing the witnesses against the petitioner. The petitioner has not been put on T.I.P. till date while he is in custody since 15.12.2020 and there is no likelihood of trial to conclude in near future. The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of



the learned Addl. District & Sessions Judge-XII, Rohtas at Sasaram in connection with S.Tr. No. 105 of 2021, arising out of Dinara (Bhanas) P.S. Case No. 117 of 2019, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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