

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16193 of 2022

Arising Out of PS. Case No.-526 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

Suraj Kumar @ Suraj Paswan S/o Pramod Paswan @ Anandi Paswan R/o
village- Asadharpur, P.S.- Sadar (Hajipur), District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate
For the Opposite Party/s : Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-07-2022 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 Hazipur
Sadar P.S. Case No. 526 of 2021 registered for the offence under
Sections 302, 394 and 34 of the Indian Penal Code and Section
27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 29.12.2021.

The allegation against the petitioner is to commit
murder of son of the informant along with other co-accused
persons, while committing robbery.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner is not arrested at the place of occurrence and person claimed to be present at the time of occurrence, never joined TIP. It has further been submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Santosh Kumar Paswan and nothing incriminating material has been recovered, in furtherance of said confession, save and except that the petitioner played a role of liner in the occurrence. It has further been submitted that petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that investigation has been completed, for which, 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/recovered, in furtherance of confessional statement of co-accused against the petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Hazipur Sadar P.S. Case No. 526 of 2021 on



furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Vaishali Hajipur, 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 Anandi Paswan @ Pramod Paswan, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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