

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19500 of 2022

Arising Out of PS. Case No.-1 Year-2022 Thana- DANDARI District- Begusarai

Raushan Kumar Paswan Son of Late Sikandar Paswan Resident of Village -
Meha, P.S.- Dandari, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 01-09-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

Petitioner seeks bail in a case registered for the offences punishable under Sections 341, 323, 324, 307, 506, 354(B), 34 of the Indian Penal Code and later on Sections 302, 376, 511, 34 of the Indian Penal Code.

Allegation against the petitioner is that the petitioner along with other co-accused called the informant namely Shobha Kumari on 01.01.2021 to meet and when some other boy saw them, this accused petitioner fled away. Then the said accused person forcibly tried to rape her but on protest he stabbed the informant. thereafter she was assaulted and later



she died due to injuries sustained by her.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case only on the basis of suspicion. He further submits that in fact the petitioner is named in the F.I.R. but there is no eye witness to the alleged occurrence and it has come during investigation that one Amit Kumar tried to commit rape upon the victim and on protest the co-accused Amit Kumar stabbed on the body of the victim. He further submits that during investigation no cogent material has come against the petitioner and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 05.01.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail 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 below where the case is pending in connection with Dandari P.S. Case No. 01 of 2022, with 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 and shall remain physically present as directed by the Court 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 tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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