

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21909 of 2022

Arising Out of PS. Case No.-43 Year-2020 Thana- PUSA District- Samastipur

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Bholti Paswan @ Raju Paswan S/o Pappu Paswan R/o village- Harpur
Mahmada, P.S.- Pusa, District- Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anshu Dhar Sharma, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 20-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

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

Petitioner seeks regular bail in connection with Pusa
P.S. Case No. 43 of 2020 registered for the offences under
Sections 364, 506/34 of the Indian Penal Code.

As per allegation, the informant's husband's brother
went to his sasural and, thereafter, he did not return back and the
informant suspected that the present petitioner and other co-
accused persons disappeared the victim.

The main submissions advanced by learned counsel
for the petitioner are that in the FIR only suspicion was raised



by the informant in respect of victim's disappearance and except this there is no material against the petitioner and petitioner has got no criminal antecedent. Further submission is that two co-accused persons namely Sulekha Devi and Pappu Paswan carrying similar nature of allegation like the petitioner have been considered for regular bail by a co-ordinate bench of this Court vide order passed in Cr. Misc. No. 38997 of 2020 and while passing the said order the said bench of this Court mainly took into account the fact that there was no material except suspicion raised in the FIR as well as during the investigation and the same situation is available with petitioner hence, he is also entitled to the same privilege which has been granted to the co-accused persons.

Learned APP appearing for the State has opposed the bail prayer but accepted that as per FIR except suspicion raised by the informant against the accused persons including the petitioner there is no material and the said situation was considered by coordinate bench of this Court while granting bail to the co-accused persons.

In view of above submissions and considering the petitioner's case to be similar with co-accused persons Sulekha Devi and Pappu Paswan who have been considered for regular



bail by a coordinate bench of this Court and also the fact that the prosecution's case is mainly based upon suspicion only in respect of the involvement of petitioner in the alleged crime and as per paragraph No. 3 of the petition the petitioner has got no criminal antecedent. Accordingly, in my view a lenient approach can be taken in respect of petitioner's prayer. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in Connection with Pusa P.S. Case No. 43 of 2020, on 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 below and shall remain physically present as directed by the Court below 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 witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) The Court below will verify the criminal



antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the Court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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