

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23836 of 2022

Arising Out of PS. Case No.-62 Year-2021 Thana- MEHANDIA District- Jehanabad

Rajesh Paswan, Son of Mahesh Paswan, Resident of Village - Belkhara, P.S. -
Karpi, Distt.- Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Chandra, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-08-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Anil Chandra, learned counsel appearing
on behalf of the petitioner and learned Additional Public
Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in
connection with Mehandia P.S. Case No. 62 of 2021 registered
for the offences under Sections 302, 201/34 of the Indian Penal
Code.

As per the prosecution case, it is alleged that on
25.05.2021 at about 9.00 P.M. while his son along with his
friends was sitting outside of Baithaka of Sonu Kumar, in the
meantime, co-accused Rajesh Paswan, Bhola Paswan and Dipak



Kumar came there and on account of some trifling dispute both of them started assaulting them and thereafter his son and his friends tried to start fleeing towards village, in the meantime, on the dictate of Vinay Kumar Paswan, all other accused persons including the petitioner came and apprehended his son and taken away him to unknown place and the next day i.e. on 26.05.2021 the informant got information that the dead body of his son was found thrown in the Jinora field of Rajesh Pandey. It is further alleged that the informant and his family members went there and saw that the deceased was brutally assaulted and sustained serious injuries on the backside of his head, caused by sharp cutting weapon.

Learned counsel appearing on behalf of the petitioner submits that there is general and omnibus allegation against nine accused persons that they took the son of the informant. However, there is no eye-witness to the actual incident of commission of murder. It is further submitted that save and except general and omnibus allegation, no allegation of any overt act has been attributed against this petitioner and moreover others co-accused persons, having identical allegation, have already been granted bail by learned coordinate Bench of this Court in Cr. Misc. No. 68217 of 2021, Cr. Misc. No. 69458



of 2021 and in Cr. Misc. No.3451 of 2022, the copies of which have been produced before this Court and the same have been kept on record. It is lastly submitted that this petitioner is in custody since 18.11.2021 and moreover, after conclusion of the investigation, charge-sheet has been submitted.

On the other hand learned counsel for the State vehemently opposes the bail application and submits that there is specific allegation that the petitioner along with other accused persons took away the son of the informant and on the next day his dead body was found.

Having regard to the submissions made on behalf of the parties and considering the general and omnibus nature of allegation, apart from the fact that other co-accused persons, having identical allegation, have already been granted bail by the learned coordinate Bench of this Court, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Arwal in connection with Mehandia P.S. Case No. 62 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-



(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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