

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24143 of 2022

Arising Out of PS. Case No.-203 Year-2020 Thana- MOHANIYA District- Kaimur (Bhabua)

SAHEB PASWAN S/o Shambhu Paswan Resident of Village- Mohania Ward
No.12, P.S.- Mohania, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey

For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Mohania
P.S. Case No. 203/2020 registered for the offences punishable
under Sections 302/34 of the Indian Penal Code and Section 27
of the Arms Act.

As per prosecution case, informant has given a
fardbeyan before the police and he has alleged that he was
cultivating in the field at about 6.30 O'clock that his nephew has
been killed by the unknown person by firing. He further alleged
that he reached near the occurrence at the tea stall of the Raj
Bandhu then he found that the dead body was being sent at



police station, Mohania and the informant reached the police station and found dead body of deceased was available in the police station and he saw the wound in the head of the deceased was caused by fired arm and the FIR has been lodged against unknown person. During the course of investigation, the name of present petitioner has been surfaced in para 27 in the statement of Teja Ali in para 28 of Mangaraila Gaddi.

Learned counsel for the petitioner submits that FIR has been lodged against unknown and the name of the petitioner transpired during the statement of Teja Ali on 24.07.2020 and the date of occurrence has occurred on 05.07.2022. The petitioner is languishing in custody since 14.03.2022 and bears criminal antecedent of three cases. Learned counsel for the petitioner further submits that in para 28 of the case diary, during course of investigation the statement of Mangaraila Gaddi stated that he heard by unknown persons that in the killing of the deceased and the petitioner and others are involved. So the both witnesses are hearsay as such they have not claimed as eye witness during course of investigation. From perusal of the prosecution case, the petitioner has falsely been implicated in this case due to suspicion and no any material to connect the present petitioner in alleged occurrence. Charge



sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused, Vikash Paswan and Arbind Paswan @ Arvind Paswan have already been granted bail by the co-ordinate Benches of this Court vide Cr. Misc. No.55661/2021 and Cr. Misc. No.43542/2021 and the case of present petitioner stands on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, FIR against unknown so far as the nature of allegation as well as period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabua in connection with Mohania P.S. Case No. 203/2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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