

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33191 of 2021

Arising Out of PS. Case No.-745 Year-2020 Thana- JAHANABAD District- Jehanabad

DAYANAND PASWAN Son of Late Karu Paswan Resident of Village-
Belsar, Police Station- Noorsarai, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 57889 of 2021

Arising Out of PS. Case No.-745 Year-2020 Thana- JAHANABAD District- Jehanabad

Santosh Nut S/O Shiv Kumar Nut R/O Village-Neya Tola Subnema
Dargahpar, P.S-Athmal Gola, District-Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 33191 of 2021)

For the Petitioner/s : Mr.Sudish Kumar, Adv

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

For the Informant : Mr. Anuj Kumar, Adv

(In CRIMINAL MISCELLANEOUS No. 57889 of 2021)

For the Petitioner/s : Mr.Gauri Shankar Thakur

For the Opposite Party/s : Mr.Ramchandra Singh, APP

For the Informant : Mr. Anuj Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 14-02-2022 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 petitioners and the

learned A.P.P. for the State in virtual Court proceeding in both

the applications.



The petitioners seek bail in connection with Jehanabad (Karauna O.P.) P.S.Case No. 745 of 2020 registered for the offence under Sections 302 and 34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case in short, is that the informant Akash Raj @ Luvkush Kumar has got registered an FIR on fardbeyan to the police stating inter-alia that on 23.12.2020 informant along with Jitendra Kumar (deceased) reached at Ex-para Military Force Calyan Canteen near Kanaudi (Muther). It is further alleged that when he loaded stock goods, in the meantime two persons came with bear mask for the purpose of buying cooler and then Jitendra Kumar (deceased) gone to godown, after the both unknown also gone to godown after two minute he heard the sound of gun shot firing and as soon as he along with two staffs reached at the place of occurrence then his cousin elder brother fell down and he brought to the hospital for medical treatment where doctor declared dead.

Learned counsel appearing for the petitioners submits that petitioner, namely, Dayanand Paswan has clean antecedent and petitioner, namely, Santosh Nut has got one criminal antecedent. He further submits that the petitioners are not named in the FIR. They have falsely been implicated in the present case



only on the basis of suspicion. He further submits that during investigation nothing has come against the petitioners. He further submits that the police, after investigation, submitted chargesheet against the petitioners. He further submits that petitioner-Dayanand Paswan is in service in the Central Reserve Police Force. He further submits that co-accused, namely, Fantus Nut @ Fantus Sapera has been granted bail by this Court vide order dated 21.01.2022 in Cr. Misc. No.47734 of 2021 and petitioner, namely, Dayanand Paswan is in custody since 04.01.2021 and petitioner, namely, Santosh Nut is in custody since 19.01.2021.

Learned counsel for the informant as well as learned A.P.P. for the State have vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad in connection with Jehanabad (Karauna O.P.) P.S.Case No. 745 of 2020 with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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