

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27437 of 2022

Arising Out of PS. Case No.-605 Year-2020 Thana- SONEPUR District- Saran

Raju Paswan, Son of Sunil Paswan Resident of Village - Anandpur, P.S. -
Sonepur, District – Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-08-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office be
removed within four weeks.

The petitioner is in judicial custody in connection with
Sonepur P.S. Case No. 605 of 2020 for the offences under Sections
302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The aforesaid case came to be registered and as per the
allegation, the informant got information that some unknown persons
have shot at his son near the temple. Upon reaching there, he was
informed that the injured has been shifted to Sadar Hospital, Chapra
and when he reached the said hospital, he got knowledge that his son
has died.

The FIR was lodged against unknown persons and
subsequently the name of the accused persons cropped up in course
of investigation, the petitioner being one of them.



Learned Counsel for the petitioner submits that his name cropped up on the confessional statement of accused Akash Kumar @ Akash Rai, on whose residence the alleged revolver was recovered/seized. He further submits that he has no role to play in the matter and is in jail since 12.04.2021 (as stated in paragraph-15 of the bail application). He further submits that similarly situated co-accused person, namely, Rakesh Sah, whose name had also come on the basis of the confessional statement of the co-accused Akash Kumar @ Akash Rai, has since been released on bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 15410 of 2021 disposed of on 23.07.2021.

Let the same be kept on record.

Learned counsel for the petitioner lastly submits that charge sheet stands submitted against him under Sections 302/34 of the Indian Penal Code and as such he deserves bail.

Taking into account the aforesaid facts that the petitioner was not named in the FIR, his name has cropped up in course of investigation on the confessional statement of accused Akash Kumar @ Akash Rai, charge sheet stands submitted, he is in jail since 12.04.2021 and one of the similarly placed co-accused, namely, Rakesh Sah has since been granted the privilege of bail, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like



amount each to the satisfaction of learned Chief Judicial Magistrate, Chapra at Saran in connection with Sonapur P.S. Case No. 605 of 2020, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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