

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37345 of 2021

Arising Out of PS. Case No.-555 Year-2020 Thana- ARA NAWADA District- Bhojpur

Bipin Kumar S/O Jitendra Paswan @ Jitendra Ram R/O Village-Sahangi, P.S-
Agiaon (Garhani), District-Bhojpur (Bihar).

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar
For the Opposite Party/s : Mr. A.G

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 13-04-2022 Heard learned counsel for the petitioner and learned
counsel for the Informant as well as learned Additional Public
Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302/34 of the Indian Penal
Code and Section 27 of the Arms Act.

According to prosecution case, the main allegation is
that the informant's son was killed by using fire arm and as per
the informant his son was killed by present petitioner and co-
accused.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the



present case. He further submits that except the confessional statement of co-accused namely Suraj Paswan nothing has come during the investigation against the petitioner. He further submits that there is no eye witness of the alleged occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 15.09.2020.

Vide order dated 24.02.2022 a report was called for with regard to the present stage of trial. Report reveals that the case is still pending for prosecution evidence.

The learned counsel for the Informant as well as learned A.P.P. has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Court below where the case is pending in connection with Ara Nawada P.S. Case No. 555 of 2020, subject to 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 and shall remain physically present as directed by the court 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. And further condition that 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 step for cancellation of bail bond of the petitioner. 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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