

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 39035 of 2021**

Arising Out of PS. Case No.-199 Year-2019 Thana- JHANJHARPUR District- Madhubani

HEERA KUMAR PASWAN S/o Makhi Lal Paswan R/o Village- Belmohan,
P.S.- Phulparas, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Ms Meena Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 10-01-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, APP) appearing for the State of Bihar through Virtual Mode.

The petitioner seeks bail in Jhanjharpur Police Station (for brevity, *PS*) Case No 199 of 2019, GR No 1427 of 2019 instituted for the offence punishable under Sections 302, 201/34, 120B of Indian Penal Code and Sections 3, 4, 5 and 6 of Explosive Substances Act, 1905.

It is alleged that informant was intimated by the petitioner on telephone that his father was seriously ill. When he reached the place, the informant discovered that his father was already dead. It is alleged that the death occurred in the course of manufacturing of explosives.



Learned counsel for the petitioner submits that from the First Information Report itself, it is apparent that it is the petitioner who has in fact given intimation regarding the petitioner's father having sustained injury. This establishes bona fide of the petitioner. As per prosecution case, the informant's father had gone on his own volition along with the petitioner and one Shigul Paswan, both of whom were regular visitors of the informant's family. The implication is based only on suspicion. After his arrest in the instant case, it is submitted that the petitioner has been remanded in three other cases and he continues to be in custody since 03.09.2021 under such circumstances, which are glaring and indicate false implication of the petitioner.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate II, Madhubani in Jhanjharpur PS Case No 199 of 2019 dated



01.09.2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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