

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29443 of 2022

Arising Out of PS. Case No.-176 Year-2020 Thana- BHAGWANPUR District- Begusarai

KUNDAN PASWAN SON OF UMA SHANKAR PASWAN RESIDENT OF
VILLAGE- NARHARIPUR , WARD NO 07, P.S- BHAGWANPUR , DIST-
BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 01-09-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one
month.

Petitioner seeks regular bail in Bhagwanpur P.S Case No.
176 of 2020 registered for the offences punishable under Sections
302, 201/34 of the Indian Penal Code.

As per allegation accused persons including the petitioner
had taken the son of the informant in the evening and next day his
dead body was recovered.

The main submissions advanced by Sri Sandip Kumar
Gautam, the learned counsel appearing for the petitioner are that
petitioner has been languishing in jail since 17.8.2020, the main
allegation is against co-accused Ram Sewak Rai who has been
granted bail by a coordinate bench of this court vide order passed in



Cr. Misc. no. 13208/2021 and petitioner's case stands on better footing with the case of co-accused who has been granted bail.

Sri Shailendra Kumar, learned APP appearing for the State has opposed the prayer for bail.

Heard both sides and perused the FIR. As per FIR the main allegation is against co-accused Ram Sewak Rai @ Ram Sevak Rai @ Ram Sevak Ray who has been granted bail by a coordinate bench of this court vide order passed in Cr. Misc. no. 13208/2021 and petitioner's specific role or his motive to be involved in the alleged murder has not been mentioned in the FIR and his case is on better footing with the case of co-accused who has been granted bail and he has been languishing in jail for the last two years. Accordingly, this court is inclined to grant privilege of bail to the petitioner.

Let the petitioner 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 Addl. Sessions Judge VIII, Beguarai in Sessions trial no. 53/2022 arising out of Bhagwanpur P.S Case No. 176 of 2020 on 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 below and shall remain physically present as directed by the Court below 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) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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