

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29733 of 2022

Arising Out of PS. Case No.-596 Year-2018 Thana- NAUBATPUR District- Patna

Chitranjan Paswan, Son of Late Parmeshwar Paswan, R/o Vill. - Karariya
Dariyapur, P.S.- Naubatpur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary, Advocate
For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 06-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Naubatpur P.S. Case No. 596 of 2018 registered for the alleged offences under Sections 147, 148, 149, 341, 302 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the petitioner and other co-accused persons, variously armed with firearms, took away the step father of the informant to a secluded place. Later on, his dead body was recovered with a number of firearm injuries.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. From the FIR, it is clear that there is no eye-witness to the occurrence and the informant is himself not an eye-witness. The allegation against the petitioner and other co-accused persons are general and omnibus and there is no specific allegation against this petitioner. Learned counsel further submits that altogether 11 persons have been named as accused in this case along with 4-5 unknown persons, so it is a case of mere suspicion. Other co-accused persons have been granted bail by different Co-ordinate Benches of this Court following details:

Pramod Kumar, Nand Lal Paswan, Nirmal Kumar and Manoj Kumar have been granted regular bail vide order dated 01.04.2019 passed in Cr. Misc. No. 16047 of 2019, order dated 15.07.2019 passed in Cr. Misc. No. 42020 of 2019, order dated 08.03.2021 passed in Cr. Misc. No. 279 of 2021 and order dated 06.05.2019 passed in Cr. Misc. No. 11313 of 2019. One Raju Paswan has been granted bail by this Court vide order dated 08.08.2022 passed in Cr. Misc. No. 24058 of 2022.

Learned counsel further submits that the petitioner is in custody since 27.08.2021 and charge-sheet has been



submitted.

Learned APP opposes the prayer for bail submitting that the dead body of the step father of the informant was recovered with several firearms injuries.

Having regard to the submissions made hereinabove and considering the fact that the name of the petitioner came up in this case merely on suspicion and further considering the grant of bail to other co-accused persons and also considering the submission of charge-sheet along with his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V, Danapur, Patna in connection with Sessions Trial No. 74 of 2022/648 of 2021 arising out of Naubatpur P.S. Case No. 596 of 2018, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.



(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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