

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43158 of 2021

Arising Out of PS. Case No.-511 Year-2020 Thana- PAROO District- Muzaffarpur

SAROJ PASWAN SON OF LATE GANESH PASWAN Resident of Village -
Bahlolpur, P.S.- Paroo, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 02-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 20.01.2021,
seeks regular bail in connection with Paroo P.S. Case No. 511 of
2020, for the offence punishable under Sections 147, 148, 149,
323, 302 and 120(B) of the Indian Penal Code.

The prosecution case, in brief, is that while the
husband of the informant was at his door, in the meantime, co-
accused Sohan Nutt came and asked him to accompany for
some necessary works at his house and after that all the accused
persons along with the petitioner assaulted the husband of the
informant and also killed him by pressing his neck.



Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and he has falsely been implicated in this case due to dirty village politics. He further submits that there is general and omnibus allegation levelled against the petitioner. Many accused persons assaulted the deceased and the deceased sustained multiple injuries, but so far as the petitioner is concerned, it is not attributable that it is only the petitioner who has assaulted the deceased. The petitioner has clean antecedent and he is a sole bread earner of the family. Petitioner is in custody since 20.01.2021. He further submits that the similarly situated co-accused namely Ashok Paswan has been granted bail by this Court vide order dated 18.01.2022 passed in Cr. Misc. No. 22832 of 2021.

Learned A.P.P. for the State has opposed the prayer for bail. He has placed reliance on several paragraphs of the case diary, particularly, paragraph Nos. 03, 07 and 10 in which there is allegation that petitioner was also one of the accused, who has assaulted the deceased as a result of which he died on the same day due to hemorrhage. Hence the petitioner does not deserve to be released on bail.

Considering the aforementioned facts and circumstances of the case and rival submissions of the parties, it



appears that there is general and omnibus allegation against the petitioner and there is no direct allegation of assault against the petitioner, the trial of the petitioner is not likely to be concluded in near future due to pandemic of Covid-19 and similarly situated co-accused namely Ashok Paswan has been granted bail by this Court vide order dated 18.01.2022 passed in Cr. Misc. No. 22832 of 2021, the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M, Muzaffarpur in connection with Paroo P.S. Case No. 511 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take



steps to cancel his bail bonds.

(Purnendu Singh, J)

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