

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44076 of 2021

Arising Out of PS. Case No.-21 Year-2021 Thana- MUFFASIL District- Aurangabad

Upendra Paswan Son of Ramjivan Ram @ Ramjivan Paswan @ Jivan Paswan
Resident of Village - Karsawan, P.S.- Fessar, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the State : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 20-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Aurangabad (Muffasil) P.S. Case No. 21 of 2021 registered for
the offence under Sections 302 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 24.02.2021.

The allegation against the petitioner is to cause the
murder of the deceased alongwith other co-accused persons with
sharp edged weapon.

Learned counsel appearing on behalf of the petitioner
submitted that the informant is not the eye witness of the case
and petitioner is named in the present case merely on the ground



of suspicion for the reason that petitioner and other co-accused persons have land dispute with the deceased. It has also been submitted that during the course of investigation, nothing incriminating surfaced against the petitioner. While concluding the argument, it has further been submitted that the petitioner is a man of clean antecedent and chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded that the informant is not the eye witness of the occurrence and also the nature of allegation, as regard to fatal assault, is very much general and omnibus.

Considering the facts and circumstances as mentioned above, as the informant is not the eye witness of the occurrence and nothing incriminating surfaced during the course of investigation which may connect the petitioner with the alleged occurrence coupled with the fact that petitioner is a man of clean antecedent, let the petitioner, above named, is directed to be released on bail in connection with Aurangabad (Muffasil) P.S. Case No. 21 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount



each to the satisfaction of learned Chief Judicial Magistrate,
Aurangabad, subject to the following conditions:

“(i) Accused/Petitioner shall
cooperate in the trial and shall be physically
present on each and every date before the
Trial Court till conclusion of the trial and
exemption from physical appearance be
allowed by the Trial Court, only on medical
ground of the petitioner duly supported by
the documents.

(ii) That one of the bailors shall be
Ramjivan Ram, who is the father of the
petitioner and deponent of the present bail
petition.”

(Chandra Shekhar Jha, J)

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