

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45884 of 2021

Arising Out of PS. Case No.-654 Year-2018 Thana- MASAUDHI District- Patna

SURJAN PASWAN Son of Late Swarath Paswan Resident of Village -
Karanza, P.S.- Naubatpur, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sinha, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-02-2022 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), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner, who is in custody since 17.09.2020,
seeks regular bail in connection with Masaurhi P.S. Case No.
654 of 2018 for the offence punishable under Section 302/34 of
the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, in brief, is that in the year 2005,
the brother of the accused Musafir Ravidas was alleged to have
been murdered by the husband of the informant Biltu Ravidas
and Biltu Ravidas was named accused in Masaurhi P.S. Case



No. 65 of 2005 and to take revenge, all the accused persons named in the F.I.R. assaulted said Biltu Ravidas, the husband of the informant, in a planned manner and due to the impact of the assault made by the named accused persons in the F.I.R., the husband of the informant Biltu Ravidas died.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that the petitioner is of another village and there is no allegation against him in the F.I.R. that he assaulted the deceased Biltu Paswan, the husband of the informant, however one named accused person Musafir Ravidas who was seen by the informant possessed with lethal weapon like pistol and rod has already been released on bail by this Hon'ble Court vide order dated 10.06.2020 passed in Cr. Misc. No. 48700 of 2019 and two other F.I.R. named accused persons namely Mathura Ravidas and Nandlal Paswan have also been released on bail by this Hon'ble Court vide orders dated 12.08.2021 and 04.10.2021 passed in Cr. Misc. Nos. 15687 of 2021 and 30681 of 2020 respectively. Petitioner is in custody since 17.09.2020 merely on the basis of suspicion. Hence the petitioner deserves to be released on bail.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submits that the petitioner has



been made accused for committing murder of the husband of the informant and taking into consideration the seriousness of the offence committed by the petitioner along with other co-accused, the bail application of the petitioner is fit to be rejected.

Considering the aforementioned facts and circumstances of the case, general and omnibus nature of allegation against the petitioner, suspicion is against one co-accused Musafir Ravidas against whom there is direct allegation that the informant saw him possessed with pistol and other lethal weapon which has caused fatal injury over the person of the deceased, has already been granted bail by this Hon'ble Court vide order dated 10.06.2020 passed in Cr. Misc. No. 48700 of 2019 and two other F.I.R. named accused persons Mathura Ravidas and Nandlal Paswan have also been granted bail by this Hon'ble Court vide orders dated 12.08.2021 and 04.10.2021 passed in Cr. Misc. Nos. 15687 of 2021 and 30681 of 2020 respectively. There is no direct allegation against the petitioner to have assaulted the victim. There is allegation of mere suspicion that he was one of the associate in committing murder of the husband of the informant. In this regard law is well settled that suspicion howsoever strong cannot take the place of proof and for suspicion an under trial prisoner cannot



be kept behind the bar even after completion of investigation, prima facie, the petitioner has made out a case to be released on bail, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge, Masaurhi in connection with Masaurhi P.S. Case No. 654 of 2018, 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)

mantreshwar/-

U		T	
---	--	---	--

