

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45991 of 2021

Arising Out of PS. Case No.-301 Year-2018 Thana- KHAGAUL District- Patna

DEEPAK PASWAN @ TENIA PASWAN Son of Manendra Paswan @ Chini
Paswan Resident of Garikhana, P.S. - Khagaul, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binoy Kumar Sinha
For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-01-2022 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard learned counsel for the petitioner and learned counsel for the informant and learned APP for the State.

Petitioner seeks bail in connection with Khagaul P.S. Case no. 301 of 2018 registered for the offence punishable under section 302 of the Indian Penal Code read with section 27 of the Arms Act.

Learned counsel for the petitioner submits that petitioner is in custody since 14.9.2020 and charge sheet has been submitted. Learned counsel submits that the informant alleges that on receiving information about killing his brother



Arun Kumar by firearm by some unknown, the informant reached at the place of occurrence and came to know that police had taken his brother to Danapur hospital for treatment, informant also reached there and found that his brother had already died. Learned counsel for the petitioner submits that FIR is instituted against unknown and name of the petitioner transpired in the statement of Vandana Singh who stated that the deceased used to work as munsif with her husband, who was murdered earlier in which deceased was eye-witness and due to this reason he has been killed. This witness also claimed to be eye-witness of this case and further stated that four persons including this petitioner having firearm in their hand came and made indiscriminate firing at Arun Kumar, she is not eye-witness to the occurrence rather out of animosity she has stated before the police that she has seen the occurrence, learned counsel further submits that similarly situated co-accused Sanjay Paswan has been granted bail by order dated 27.3.2019 in Cr. Misc. no. 17272/2019 and Amit Kumar by order dated 6.2.2020 in Cr. Misc. no. 63837/2019. Learned counsel submits that charges have been framed.

Learned APP opposes the prayer for bail.

Considering the facts it has been submitted by learned



counsel for the petitioner that charges have been framed and co-accused have been granted bail, the petitioner is directed to be released on bail on furnishing bail bonds of Rs 50,000/- (fifty thousand) with two sureties of the like amount each to the satisfaction of Addl. Chief Judicial Magistrate, Danapur, Patna in Khagaul P.S. Case no. 301 of 2018.

Since charges have been framed and trial has to commence as such petitioner is directed to mark his attendance in between 25-30 of every month commencing from January, 2022 till trial is not concluded, in the event it is reported by concerned police station that petitioner has not marked his attendance in between 25-30 of any of the month till completion of the trial, the learned court below will proceed to cancel his bail bond after issuing show cause and seeking explanation. Said condition has been imposed seeing the criminal antecedent of the petitioner as mentioned in para 3 of the bail application.

(Satyavrat Verma, J)

s.hassan/-

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