

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46340 of 2021

Arising Out of PS. Case No.-149 Year-2008 Thana- CHIRAIYA District- East Champaran

Suhag Paswan @ Ashish Ji Son of Ram Bilas Paswan @ Bilash Paswan @
Vilash Paswan Resident of Village - Ram Nagar Math, P.S. - Siwaipatti,
District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

8 08-08-2022 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 Chiraiya
(Shikarganj) P.S. Case No. 149 of 2008 registered for the
offence under Sections 147, 148, 149, 341, 342, 323, 324, 307,
302, 452, 380, 427, 506 and 504 of the Indian Penal Code and
Section 27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 02.02.2013.

It is alleged that petitioner, alongwith 50 to 60
miscreants armed with deadly weapons, came and fired upon,



causing injury to brother of the informant, who later on succumbed to the injuries.

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Binda Rai and in furtherance thereof, nothing incriminating surfaced/recovered during the course of investigation, which may connect the petitioner, *prima facie*, with the present set of occurrence. It is also submitted that said co-accused, namely, Binda Rai has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 38746 of 2012 dated 18.10.2012. It is submitted that petitioner is remanded in the present case from Rajepur P.S. Case No. 76 of 2011. It is further submitted that petitioner is involved in 12 cases, where he is on bail in eight cases and in almost all cases, name of the petitioner surfaced on the basis of confessional statement, as of present case. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that nothing



incriminating surfaced/recovered during the course of investigation, which may connect the petitioner with the present set of occurrence.

Considering the facts and circumstances as mentioned above, as nothing incriminating surfaced/recovered, in furtherance of the confessional statement of co-accused, which may connect the petitioner with the present set of occurrence coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Chiraiya (Shikarganj) P.S. Case No. 149 of 2008 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Sikrahana at Dhaka, East Champaran/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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