

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47492 of 2021

Arising Out of PS. Case No.-62 Year-2021 Thana- MEHANDIA District- Jehanabad

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VINAY KUMAR PASWAN S/o- Fulendra Paswan R/o Village- Injor, P.S.-
Mehandia, District- Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Rajendra Narain Singh, Sr.Adv.
	:	Mr.Rama Kant Singh, Adv
For the Opposite Party/s :		Ms.Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 11-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

Petitioner seeks bail in a case registered for the offences punishable under Sections 302,201 and 34 of the Indian Penal Code.

The prosecution case, in short, is that the informant alleges that on 25.05.2021 at about 9.00 P.M. his son Navin Kumar alongwith his friend was sitting outside of Baithka of Sonu Kumar son-in-law of his villager namely Rajesh Paswan, Bhola Paswan and Dilip Kumar came there and said that



battery of his vehicle has discharged and demanded to give battery of their vehicle and on that his son and his friends refused to give the battery then all three persons started assaulting them and on that his son and his friends started fleeing towards village but in meantime on the challenge of Vinay Kumar Paswan, Raj Kumar Paswan Jeet Kumar, Rajesh Paswan, Ram Mohan Paswan Krishna Mohan Paswan, Rajesh Paswan, Deepak Paswan Bhola Paswan accused of this case apprehended the son of informant and taken away him to else where unknown place and his friends after searching home given the same information to informant and thereafter informant alongwith other villagers started searching his son but got no clue and next day on 26.05.2021 got information that after killing his son his dead body has been thrown in the Jinora field of Rajesh Pandey of village Chakiya. Further alleged that informant and his family members went there and saw that deceased back side of head has serious injury and near right hand elbow also has injury caused by sharp weapon and also burnt by some inflammable substance for killing him.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that it appears from the FIR that there



is general and omnibus allegation against all the accused persons. There is nothing specific against the petitioner. He further submits that, during investigation, nothing has come against the petitioner. He further submits that the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 27.05.2021.

Learned counsel for the informant and learned A.P.P. for the State have vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is master mind of the alleged occurrence and he fairly submits that the petitioner may be released on bail after framing of the charges. He further submits that the petitioner carries one more case other than the present one.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Mehandia Police Station Case No.62 of 2021, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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