

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38888 of 2022

Arising Out of PS. Case No.-338 Year-2020 Thana- DEEPNAGAR District- Nalanda

Biren Paswan @ Birendra Paswan S/O Late Kamendra Paswan Resident of
village- Devi sarai, P.S.- Deepnagar, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 01-12-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Sessions Trial No. 69/2021 arising out of Deepnagar P.S. Case
No. 338 of 2020 lodged under Sections 302, 120B, 34 of the
I.P.C.

As per the prosecution case, the informant had
disclosed that he used to talk with his daughter almost everyday
but his mobile was switched off since 02.10.2020. After 3 days,
he felt some foul play and reached to the house of his daughter
which was closed but bad smell was coming from the said house
then, he reached to the police station and with the help of police,

opened the door and have seen that murder of his daughter, son-in-law and their 2 daughters took place. The informant has filed this case against the entire family members of deceased Ravi Kumar on the basis of suspicion.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. Learned counsel submits that the present F.I.R. has been filed with delay of 3 days only and only on the basis of suspicion. Learned counsel further submits that petitioner is in custody since 10.10.2020, charge has already been framed in this case. He has having one criminal antecedent of excise matter otherwise, his antecedent is clean. Learned counsel further submits that he has annexed Annexure-2 which is form of heading of deposition of Devnandan Paswan who was alleged to be present in the same house on the date of alleged occurrence. In the cross-examination, he has denied and declared hostile.

Learned counsel for the petitioner submits that his name has figured in this case only and only by virtue of suspicion. Except suspicion, there is no cogent material found against him.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that charge has been framed and all the witnesses have been examined and presently, evidence of PW has been closed.

In the present facts and circumstances of this case and submission made above, I am of the view, no purpose shall be served continuing the petitioner in jail. The entire prosecution witnesses have been examined and there is suspicion only in this case.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Nalanda at Biharsharif in connection with Sessions Trial No. 69/2021 arising out of Deepnagar P.S. Case No. 338 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of

his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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