

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48769 of 2021

Arising Out of PS. Case No.-367 Year-2020 Thana- RIGA District- Sitamarhi

RAJESH PASWAN @ BITTU KUMAR S/o- SHRI SHAMBHU PASWAN
Resident of Village- Garahiya Tole, Ward No.-2, P.S.- Dumra, District-
Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar, Advocate.
For the Opposite Party/s : Mr.Jagdhari Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-03-2022 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 seeks regular bail in connection with
Riga P.S. Case No. 367 of 2020 for the offence punishable under
Sections 341, 323, 307, 337, 427, 454 and 504/34 of the Indian
Penal Code and Section 27 of the Arms Act.

The prosecution story, in brief, is that on 08.12.2020
at around 12:30 PM, eight named and 15-20 unknown persons
armed with lathi, danda, brick, stones and arms entered into the
house of the informant and attacked him. Om Prakash Yadav
fired upon the informant who due to profuse bleeding became



unconscious. Accused persons also assaulted and misbehaved with the other family members of the informant and damaged the wall of the house and four wheeler of the informant.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case, is not named in the F.I.R., and has been made accused on the basis of the further statement of the informant. It would appear from the impugned order. No overt act has been alleged against the petitioner. Petitioner is in custody since 23.12.2020. Similarly situated co-accused has already been granted bail vide order dated 04.03.2021 passed in Cr. Misc. No. 16052 of 2021 by a co-ordinate Bench of this Court. There is no allegation of tampering with the evidence or influencing the witnesses. As such the petitioner be released on bail on any conditions imposed by this Court.

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

Considering the aforementioned facts and circumstances of the case, without going into the merits of the case, taking into consideration the period of custody and nature of allegation made against the petitioner, 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 ACJM-VI, Sitamarhi in connection with Riga P.S. Case No. 367 of 2020, 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)

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