

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50216 of 2021

Arising Out of PS. Case No.-707 Year-2015 Thana- PHULWARISHARIF District- Patna

AJAY PASWAN @ AJAY SHASTRI S/O SURESH PASWAN R/o- Rastriya
Ganj Bagicha, P.S.- Phulwarisharif, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Adv.

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-03-2022 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 the learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offence under Sections 147, 148, 149, 302, 341 and 323 of the Indian Penal Code.

The F.I.R. named accused persons committed murder of informant's sarhu.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case only on the basis of suspicion. He



further submits that the specific allegation of assault is against Guddu Kumar and Chaitu Kumar. He further submits that there is general and omnibus allegation against the petitioner and no specific allegation is attributed to the petitioner. Moreover, the co-accused, Chaitu Mahto @ Chaitu Noniya has already been granted bail vide order dated 26.04.2016 passed in Cr. Misc. No. 9494 of 2016. The petitioner is rotting in judicial custody since 28.07.2018.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Phulwarisharif P.S. Case No. 707 of 2015 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 canceled 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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