

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52968 of 2021

Arising Out of PS. Case No.-152 Year-2010 Thana- RAJEPUR District- East Champaran

Suhag Paswan, Son of Ram Bilas 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. Umesh Chandra Verma, Advocate
		Mr. Abhishek Kumar, Advocate
For the Opposite Party/s	:	Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 23-08-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Umesh Chandra Verma, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Sessions Trial No. 385 of 2019, arising out of Rajepur P.S. Case No. 152 of 2010, registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, it is alleged that while the son of the informant was coming on his motorcycle along with his nephew Naresh Sahani, in the meantime, five unknown



persons started indiscriminate firing upon them, due to which his son sustained firearm injury and succumbed to death.

Learned counsel appearing on behalf of the petitioner submits that the F.I.R. has been instituted against five unknown persons. However, during the course of investigation, the petitioner was apprehended in connection with one another case and after recording his self-confession, he has been implicated in the present case. It is next submitted that no incriminating material has been recovered from the possession of the petitioner nor he has been put on TIP, though he is in custody since 17.01.2019. It is next submitted that other co-accused persons, namely Suresh Sahani @ Sujit Sahani @ Sujit, Shankar Das @ Bhagwan Das and Ram Sagar Thakur, who are having identical allegations, have already been granted bail by learned coordinate Benches of this Court. It is lastly submitted that as the F.I.R. was instituted against unknown persons and his name has been implicated later on, therefore, he had no knowledge about his implication in the present crime.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner has multiple criminal antecedent and he is found accused in 12 other criminal cases and moreover after



investigation, charge-sheet has been submitted against the petitioner.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner is not named in the F.I.R. and save and except the self-confession of the petitioner, there is no other material, which suggests the complicity of the petitioner and other accused persons, having identical allegations, have already been granted bail by the learned coordinate Benches of this Court and the petitioner is in custody since 17.01.2019, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned 17th Additional Sessions Judge, Motihari, East Champaran, in connection with Sessions Trial No. 385 of 2019, arising out of Rajepur P.S. Case No. 152 of 2010, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain physically present on each and every date of trial till disposal of the case.



(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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