

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.48369 of 2022**

Arising Out of PS. Case No.-936 Year-2021 Thana- SAHARSA SADAR District- Saharsa

1. Rakesh Kumar @ Rakesh Paswan S/o Banarshi Paswan Resident of Village- Kahra, Ward No.6, P.S.- Saharsa, District- Saharsa.
2. Chandan Kumar @ Chandan Paswan S/o Banarshi Paswan Resident of Village- Kahra, Ward No.6, P.S.- Saharsa, District- Saharsa.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 09-12-2022 Learned counsel for the petitioners undertakes remove all the defects as pointed out by office within two weeks from today.

Heard learned counsel for the petitioners and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Saharsa Sadar P.S. Case No. 936 of 2021 registered for the offences punishable under Sections 147, 148, 149, 302, 201, 120(B) of the Indian Penal Code and Section 27 of the Arms Act. They are in custody since 07.12.2021. The petitioners have got one criminal antecedent as per paragraph '3' of the application.

Learned counsel for the petitioners submits that as



per the prosecution story, on 05.12.2021, the son of the informant was murdered by hatching conspiracy by Rajeev Paswan and Vikas Paswan along with their relatives and other 2-3 unknown criminals. It is alleged that co-accused Indal Yadav, Ranveer Kumar and Suman Sah one by one fired upon the son of the informant and he died.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. Learned counsel submits that there is no specific allegation of any overt act against these petitioners. It is submitted that the petitioners are in custody in connection with this case since 07.12.2021 having no criminal antecedent.

Mr. Akhileshwar Dayal, learned APP for the State is present and has opposed the prayer for regular bail of the petitioners.

Having regard to the facts and circumstances of the case wherein these petitioners are not named in the FIR, the specific allegation of firing fatal shots are against co-accused Indal Yadav, Ranveer Kumar and Suman Sah and it is stated that Vikas Paswan and Rajeev Paswan have conspired the killing and so far as these petitioners are concerned, no role has been assigned to them, they are in custody since 07.12.2021 having



no criminal antecedent, this Court directs that the petitioners above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Saharsa in connection with Saharsa Sadar P.S. Case No. 936 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioners. 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.

This application is allowed.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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