

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.58832 of 2021**

Arising Out of PS. Case No.-117 Year-2019 Thana- DINARA District- Rohtas

SURENDRA PASWAN @ SURENDRA RAM Son of Banarasi Paswan  
Resident of Village - Tilai, P.S.- Sanjhauli, Distt.- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Advocate  
For the Opposite Party/s : Mr. Shantanu Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      27-04-2022                      Heard learned counsel appearing on behalf of the  
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the  
complete start of the physical Court in normal course.

Petitioner, who is in custody since 01.02.2021, seeks  
regular bail in connection with S. Tr. No. 105 of 2021 arising  
out of Dinara (Bhanas) P.S. Case No. 117 of 2019 dated  
24.04.2019 registered for offences punishable under Sections  
394 and 302 of the Indian Penal Code.

Prosecution story in brief is that four unknown  
miscreants shot on the father of the informant with country  
made pistol as a result of which the father of the informant died  
and they looted Rs. Two lakhs from the informant and fled  
away.



Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and has falsely been implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner has surfaced in course of investigation on the basis of confessional statement of co-accused Bihari Pandey. He further submits that other co-accused persons namely Bharat Choudhary has been released on bail vide order dated 26.08.2019 passed in Cr. Misc. No. 53320 of 2019, Indradeo Singh @ Loha Chaudhary has been released on bail vide order dated 25.10.2019 passed in Cr. Misc. No. 62443 of 2019, Niwash Choudhary @ Sri Niwash Choudhary has been released on bail vide order dated 27.11.2019 passed in Cr. Misc. 53000 of 2019, Bihari Pandey has been released on bail vide order dated 04.12.2019 passed in Cr. Misc. No. 52547 of 2019 and Madan Paswan has been released on bail vide order dated 30.03.2022 passed in Cr. Misc. No. 15641 of 2022. Petitioner is in custody since 01.02.2021.

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

Considering the facts and circumstances of the case the name of the petitioner has surfaced on the basis of confessional statement of co-accused Bihari Pandey, who has



already been released on bail. There is no allegation of tampering the evidence or influencing the witnesses against the petitioner. The petitioner has not been put on T.I.P. till date while he is in custody since 01.02.2021 and there is no likelihood of trial being concluded in near future. The Court below is directed to release the petitioner, above named, on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V, Rohtas at Sasaram in connection with S. Tr. No. 105 of 2021 arising out of Dinara (Bhanas) P.S. Case No. 117 of 2019 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) 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.

(iv) 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 bond.

**(v) The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will loose its force automatically.**

**(vi) The petitioner will make his attendance before the concerned police station under which his house is located every fortnightly till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the concerned SHO of the police station shall submit his monthly attendance report to the Superintendent of Police having jurisdiction.**

**(Purnendu Singh, J)**

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