

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52731 of 2022

Arising Out of PS. Case No.-302 Year-2019 Thana- PHULPARAS District- Madhubani

HIRA KUMAR PASWAN @HIRA PASWAN Son of Makkhi Lal Paswan @
Hare Ram Paswan Resident of Village - Lohani, P.S.- Biraul, Distt.-
Darbhanga at Present resident of Village- Bel Mohan, P.s.- Phulparas, Distt.-
Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-12-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with S.T. No.
298/2021 arising out of Phulparas P.S. Case No. 302/2019
registered for the offences punishable under Sections 395, 397
of the Indian Penal Code.

As per prosecution case, on 01.08.2019 at about 9:30
PM, the informant was taking meal on his baramda, in the
meantime someone assaulted him by means of Dabiya on the
back of his head and thereafter about ten miscreants entered into
the courtyard of the informant and assaulted the wife of the



informant by means of Dabiya. It is alleged that miscreants were carrying Dabiya and country made pistol and they had covered their faces with cloths. It is further alleged that they looted laptop, two mobile phones, Rs.25,000/-, key of shop and one bag containing gold tops and Rs.10,000/-. It is further alleged that all miscreants are aged about 30-40 years.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. Petitioner is not named in the FIR. The petitioner is neither apprehended on the spot nor anything has been recovered from the conscious possession of the petitioner. He further submits that the petitioner was apprehended in Jhanjharpur P.S. Case No. 199/2019 and on the basis of self confessional statement he was remanded in the present case and other cases. Except self confessional statement there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. The petitioner has not put on T.I. Parade till date. The petitioner is languishing in custody since 03.10.2019 which is more than three years and bears criminal antecedent of three cases in which he is on bail. He further submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused Mithun



Paswan, co-accused Md. Mushatakim @ Md. Isharafil and Meghnath Paswan @ Meghanath Paswan have already been granted bail by the different co-ordinate Benches of this Court vide Cr. Misc. No. 22082/2021, Cr. Misc. No.65683/2021 and Cr. Misc. No.70864/2021 as mentioned at Annexures-2, 3 and 4 of the bail petition and the case of present petitioner stands more or less on similar footing. Learned counsel for the petitioner orally submits that charge has been framed after filing of the bail petition.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody which is more than three years, co-accused persons have already been granted bail, charge has already been framed as submitted, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Jhanjharpur, Madhubani



in connection with S.T. No. 298/2021 arising out of Phulparas
P.S. Case No. 302/2019, subject to following conditions:-

(i) One of the bailors shall be either father or mother
or sister or brother or wife or the person who has sworn the
affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain
present on all dates and absence for two consecutive dates
without appropriate permission, would be a ground for
cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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