

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63016 of 2021**

Arising Out of PS. Case No.-113 Year-2011 Thana- BIKRAMGANJ District- Rohtas

SHEKHAR PASWAN Son of Bikarma Paswan @ Bikarma Ram @ Vikrama
Ram Resident of Village - Hatiya, P.S.- Karakat (Gorari), District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh, Advocate
For the Opposite Party/s : Mr.Lalan Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

4 22-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Bikramganj P.S. Case No. 113 of 2011 registered for the alleged offences under Sections 302, 379 and 34 of the Indian Penal Code.

As per prosecution case, the nephew of the informant was murdered and his tractor was taken away by unknown miscreants.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case due to the fact



that some altercation took place between the deceased and this petitioner. The name of the petitioner came in this case during course of investigation merely on suspicion. Except for suspicion, nothing material came up against this petitioner during the whole investigation. A mobile number has been mentioned in the statement of one of the witnesses wherein it is stated that she talked with the deceased on that mobile phone prior to his death but the said mobile does not belong to this petitioner and the same belongs to co-accused Firoz Miyan. Earlier charge sheet was submitted only against Firoz Miyan but later on the Investigating Officer also submitted charge sheet against this petitioner merely on suspicion. The petitioner surrendered before the court on 25.03.2021 and he is in custody since then and charge sheet has been submitted in this case. The petitioner has got clean antecedent.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the name of the petitioner came up during investigation.

Perused the records.

Having regard to the facts and circumstances and considering lack of material against this petitioner in support of allegation made against him and also considering the clean antecedent of the petitioner and the submission of charge sheet



along with period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. Ist Bikramganj, Rohtas in connection with Bikramganj P.S. Case No. 113 of 2011, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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