

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68274 of 2021**

Arising Out of PS. Case No.-170 Year-2020 Thana- BHAGWANPUR District- Begusarai

AJAY PASWAN @ AJAY KUMAR Son of Mahendra Paswan Resident of
Village- Nawarganj, P.S.- Teghra, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar Sinha, Advocate.

For the Opposite Party/s : Mr.Binod Kumar, APP.

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

2 16-05-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

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

The petitioner seeks regular bail in connection with
Bhagwanpur P.S. Case No. 170 of 2020 for the offence
punishable under Sections 302, 201, 379/34 of the Indian Penal
Code and Section 27 of the Arms Act.

The prosecution case, in brief, is that on 06.08.2020 at
10.00 pm, the son of the informant was engaged in the business
of fisheries. He was shot by unknown miscreants and from his
possession, cash of Rs.3 lakhs and a mobile phone was robbed.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner is not named in the FIR. He is



innocent and has falsely been implicated in the present case on the basis of confessional statement of co-accused Murari Kumar. There is no eye witness of the occurrence. Except confessional statement of co-accused, there is no material to show the involvement of the petitioner in the alleged crime. He further submits that petitioner is not connected with any accused persons whose name have surfaced in course of investigation in any manner nor the petitioner was related to the deceased or he was having any interest in the business of the deceased. Co-accused Bhawesh Kumar and Murari Kumar have already been granted bail vide orders dated 14.07.2021 and 16.09.2021 passed in Cr. Misc. Nos. 20446 of 2021 and 36609 of 2021 respectively. The petitioner is in custody since 19.01.2021 having clean antecedent.

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

Having considered the facts and circumstances of the case, the petitioner is not named in the F.I.R. His name has surfaced on the basis of the confessional statement made by co-accused Murari Kumar and said Murari Kumar has already been released on bail vide order dated 16.09.2021 passed in Cr. Misc. No. 36609 of 2021. Petitioner has no concern with Murari



Kumar or any one other co-accused whose names have come in course of investigation nor he is related to any gang. The petitioner has made specific statement that he was also not having any interest in the business of the deceased nor was having enmity with the deceased. Petitioner is in custody since 19.01.2021 and has clean antecedent, there is no allegation of tampering with the evidence or influencing the witnesses and trial is not likely to be concluded soon, prima facie the petitioner has made out a case to be released on bail.

The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Bhagwanpur P.S. Case No. 170 of 2020, subject to the following conditions:-

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

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

(3) 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.

(4) 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 bonds.

(Purnendu Singh, J)

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