

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69458 of 2021

Arising Out of PS. Case No.-62 Year-2021 Thana- MEHANDIA District- Jehanabad

RAJESH KUMAR @ RAJESH PASHWAN @ JALLU PASWAN Son of
Kamal Paswan Resident of village - Khaira Bigha, P.S.- Mehandia, District -
Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vishwa Mohan Kr. Sinha, Adv.
For the Opposite Party/s	:	Mr. Anil Kumar, APP
For the informant	:	Mr. Nityanand Tiwary, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

Petitioner seeks bail in a case registered for the offences punishable under Sections 302,201 and 34 of the Indian Penal Code.

The prosecution case, in short, is that the informant alleges that on 25.05.2021 at about 9.00 P.M. his son Navin Kumar alongwith his friend was sitting outside of Baithka of Sonu Kumar son-in-law of his villager namely Rajesh Paswan, Bhola Paswan and Dilip Kumar came there and said that battery of his vehicle has discharged and demanded to give battery of their



vehicle and on that his son and his friends refused to give the battery then all three persons started assaulting them and on that his son and his friends started fleeing towards village but in meantime on the challenge of Vinay Kumar Paswan, Raj Kumar Paswan Jeet Kumar, Rajesh Paswan, Ram Mohan Paswan Krishna Mohan Paswan, Rajesh Paswan, Deepak Paswan Bhola Paswan accused of this case apprehended the son of informant and taken away him to else where unknown place and his friends after searching home given the same information to informant and thereafter informant alongwith other villagers started searching his son but got no clue and next day on 26.05.2021 got information that after killing his son his dead body has been thrown in the Jinora field of Rajesh Pandey of village Chakiya. Further alleged that informant and his family members went there and saw that deceased back side of head has serious injury and near right hand elbow also has injury caused by sharp weapon and also burnt by some inflammable substance for killing him.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that there general and omnibus allegation against the petitioner and no specific allegation of assault is attributed to him. He further submits that no cogent material has come during course of



investigation against the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. He further submits that similarly situated co-accused, Vinay Kumar Paswan, has already been granted bail by this Court vide order dated 11.04.2022 passed in Cr. Misc. No. 47492 of 2021. The petitioner is rotting in judicial custody since 25.08.2021.

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

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Mehandia P.S. Case No. 62 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify



the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

(Rajesh Kumar Verma, J)

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