

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70218 of 2021

Arising Out of PS. Case No.-71 Year-2019 Thana- VAISHALI District- Vaishali

RINKU PASWAN @ SANJAY PASWAN Son of Bashant Paswan, Resident of Village- Bhagwanpur Patti, Post- Balukanam, P.S.- Vaishali, District- Vaishali (Hajipur).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajoy Kumar Chakraborty, Adv

For the Opposite Party/s : Mr.Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-07-2022 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 learned APP for the State.

Petitioner seeks bail in a case registered for the offence punishable under Section 394, 302 IPC and 27 Arms Act.

As per the prosecution case, it is stated by the informant that he received information that while his father was on way along with ornaments from his shop towards his home, he was shot dead by unknown accused persons.

Learned counsel appearing for the petitioner submits



that in fact the petitioner is not named in the FIR. The name of the petitioner has been transpired on the basis of the confessional statement of co-accused, namely, Vivek Kumar. He further submits that nothing incriminating article has been recovered from possession or from the House of the petitioner and during course of investigation except the confessional statement of the co-accused nothing has come against the petitioner and the police, after investigation, submitted the chargesheet against the petitioner and the petitioner is in custody since 27.11.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries five more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, 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 Vaishali P.S. Case No.71 of 2019, 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 cancelled 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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