

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68217 of 2021

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

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Ram Mohan Paswan Son of Ram Karan Paswan Resident of Village- Khaira
Bigha, P.S.- Mehandia, District- Arwal.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 71909 of 2021

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

1. Raj Kumar Paswan Son Of Jhagru Paswan Resident Of Village - Khaira
Bigha P S- Mehandia District - Arwal
2. Git Kumar Paswan @ Jeet Kumar Paswan @ Jeet Kumar Son Of Raja Ram
Paswan Resident Of Village- Khaira Bigha P S- Mehandia District - Arwal

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 68217 of 2021)

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
Mr. Yogendra Kumar Dwivedi, Advocate

For the Opposite Party/s : Mr. Anant Kumar I

For the Informant : Mr. Nityanand Neeraj, Advocate
Kumari Anjani Sinha, Advocate

(In CRIMINAL MISCELLANEOUS No. 71909 of 2021)

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Tarun Prasad Mandal

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-05-2022 Heard learned counsel for the petitioners and learned

counsel for the Informant as well as learned Additional Public

Prosecutor for the State.

Let the defects, as pointed out by the office, be



removed within four weeks of start of normal functioning of the physical court.

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

The prosecution case, in short, is that the informant alleges that on 26.05.2021 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 for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons and there is no specific allegation against the petitioners. He further submits that during investigation nothing has come against the petitioners and the police after investigation submitted the charge sheet against the petitioners. He further submits that similarly situated, co-accused, namely, Vinay Kumar Paswan has been granted bail by this Court vide order dated 11.04.2022 passed in Cr. Misc. No. 47492 of 2021 and another co-accused namely, Rajesh Kumar @ Rajesh Pashwan @ Jallu Paswan has been granted bail by this Court vide order dated 27.04.2022 passed in Cr. Misc. No. 69458 of 2021. The petitioner Ram Mohan Paswan is in custody



since 02.06.2021 and petitioners Raj Kumar Paswan and Git Kumar Paswan @ Jeet Kumar Paswan are in custody since 25.08.2021.

The learned counsel for the Informant as well as learned A.P.P. have vehemently opposed the prayer for bail of the petitioners and submits that the petitioners may release after framing of charge.

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

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation



of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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