

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72285 of 2021**

Arising Out of PS. Case No.-124 Year-2020 Thana- CHAKAI District- Jamui

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Gandhi Paswan Son of Manoj Paswan R/o Village- Kalibank, P.S.- Chakai,
Dist. Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Sinha, Adv.
For the informant	:	Mr. Rajesh Kumar Sinha, APP
For the Opposite Party/s	:	Mr. A.G., APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 17-10-2022 Let the defect(s), if any, be removed within two
weeks from today.

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

The petitioner seeks regular bail in connection with
Chakai P.S. Case No. 124 of 2020 lodged under Sections
302/120(B)/34 of the I.P.C.

As per the prosecution case, F.I.R. has been lodged
against 12 named accused persons on whom allegation is that
under conspiracy they have assaulted the brother of the
informant by the back of *tangi* and subsequently his body was
hanged on a tree. It was disclosed by the informant that it is
Kundan Paswan, who called the brother of the informant in

night.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 25.01.2021 having clean antecedent. Learned counsel for the petitioner submits that upon reading the F.I.R. minutely it transpires that petitioner is not the eye witness. There is general and omnibus allegations against all the accused persons and there is nothing specific against the petitioner. He further submits that there are 3 accused persons who moved for bail, in which 2 persons were granted bail but bail of Kundan Paswan was rejected.

Upon specific query that whether charge has been framed or not, Learned counsel for the petitioner submits that charge has been framed on 16.03.2022.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Jamui in connection with Chakai P.S. Case No. 124 of 2020, subject to the conditions

as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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