

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3471 of 2023

Arising Out of PS. Case No.-95 Year-2021 Thana- IMADPUR District- Bhojpur

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GOPI RAM @ GOPI PASWAN Son of Gandhi Paswan Resident of village -
Rajpur, P.S. - Imadpur, District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
26.05.2022 in connection with Imadpur P.S. Case No. 95 of
2021, F.I.R. dated 21.07.2021 for the offences punishable under
Sections 365, 379, 302, 201, 34, 411 of the Indian Penal Code.

According to prosecution case, the cousin of the
informant and his brother-in-law were coming by a motorcycle,
and they reached at a place where there was barricading and jam
by the local populace and they asked the cousin and brother-in-
law of the informant to stop and they were assaulted. The
brother-in-law and the cousin of the informant fled away from
the spot and cousin of the informant went missing from there
along with motorcycle. The name of the petitioners transpired



during investigation as the persons who apprehended the cousin of the informant and killed him.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused namely, Purnwashi Paswan and except the aforesaid no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the name of the other co-accused persons namely, Munna Paswan, Lav Paswan, Nand Kishore Paswan, Laljee Paswan, Radha Mohan Paswan, Bhaya Ram Paswan @ Bhaiya Ram Paswan, Anil Paswan and Sheshnath Paswan have also come on the basis of confessional statement of co-accused namely, Purnwashi Paswan have been granted bail by a co-ordinate Bench of this Court vide order dated 20.12.2022 passed in Cr. Misc. No.9573 of 2022, Cr. Misc. No. 10120 of 2022, Cr. Misc. No. 10756 of 2022, Cr. Misc. No. 23841 of 2022, Cr. Misc. No. 36339 of 2022, Cr. Misc. No. 40534 of 2022, Cr. Misc. No. 62098 of 2022. He further submits that the police after investigation submitted the



charge sheet against the petitioner and the petitioner is in judicial custody since 26.05.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one, in which he is on bail.

Considering the aforesaid facts and circumstances, 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 the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Imadpur P.S. Case No. 95 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his 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.



3. 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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