

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5676 of 2023

Arising Out of PS. Case No.-336 Year-2021 Thana- PIPRA District- Supaul

SHIV SHANKAR PASWAN @ SHIV SHANKAR KUMAR PASWAN Son
of Narayan Paswan R/v- Sukhasan, Ward No. 9, P.S.- Kishanpur, District-
Supaul

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
30.05.2022 in connection with Pipra P.S. Case No. 336/2021,
F.I.R. dated 29.11.2021, for the offences punishable under
Sections 302 of the IPC & Section 27 of the Arms Act.

According to prosecution case, it is alleged that some
unknown miscreants entered into the house of the informant and
killed his grand father by making gunshot. When the informant
awoke, he saw three accused persons were on motorcycle and
one was fleeing away having pistol in his hand.

Learned counsel for the petitioner submits that
petitioner has has falsely been implicated in the present case. He



further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitionewr has not committed any offence as alleged in the F.I.R. He further submits that the petitioner is not named in the F.I.R. The name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused, namely, Ajit Kumar and tower location of the mobile number. He further submits that till date no T.I.P. has been conducted by the prosecution and except the confessional statement of the co-accused, no other cogent material has come during investigation to suggest the involvement of the petitioner in the preesent occurrence. He further submits that similarly situated co-accused person, namely, Chintu Paswan @ Chintu Kumar has been granted bail by this Court vide order dated 19.06.2023 passed in Cr. Misc. No. 6441/2023 and other co-accused, namely, Chanda Devi has been granted bail vide order dated 27.09.2022 passed in Cr. Misc. No. 37753/2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 30.05.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries three criminal



antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that out of three cases, the petitioner is on bail in two cases.

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 Additional District and Sessions Judge-1st, Supaul in connection with Pipra P.S. Case No.336/2021, 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)

amit/-

U		T	
---	--	---	--

