

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11548 of 2023

Arising Out of PS. Case No.-205 Year-2022 Thana- PAKRIDAYAL District- East Champaran

JAGARNATH PASWAN Son of Late Suba Paswan Resident of Village -
Rampurwa Barah Harak, P.S.- Pakridayal, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vishwajeet Kumar Mishra, Adv.

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 03-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

A supplementary affidavit, carrying out necessary
correction in the main application, has been filed on behalf of the
petitioner, which forms part of this application.

The petitioner seeks bail in connection with Pakridayal
P.S. Case No. 205 of 2022 dated 19.08.2022 registered for the
offence under Sections 302, 304, 201 and 34 of the Indian Penal
Code.

The husband of the informant is stated to have been
killed at the instance of the petitioner and others.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the allegation, as alleged in the



F.I.R., is false and fabricated and the petitioner has not committed any offence. He further submits that there is no eye witness to the alleged occurrence. He further submits that the petitioner surrounded his field through electricity wire with a view to save his crops from cattle and used to throw electric current in night and he was shocked to see that one person is died in his field accidentally. He further submits that there was no deliberate intention of the petitioner to kill the husband of the informant. He further submits that the postmortem report also suggest that the deceased died due to cardiac arrest due to cardiac arrhythmia caused by the electricity. The petitioner is rotting in judicial custody since 19.08.2022.

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

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Chief Judicial Magistrate, Motihari in connection with Pakridayal P.S. Case No. 205 of 2022 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 canceled 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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