

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11035 of 2023

Arising Out of PS. Case No.-138 Year-2022 Thana- MALSALAMI District- Patna

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Pawan Kumar Son of Anil Paswan R/o Mohalla Mangal Akhara Kali Mandir,
P.S- Malsalami, Dist- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rudra Deo, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-05-2023 Heard Mr. Rudra Deo, learned counsel appearing on

behalf of the petitioner and Mr. Tarun Prasad Mandal, learned

Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in
connection with Malsalami P.S. Case No. 138 of 2022 registered
for the offences punishable under Sections 147, 149, 120B and
302 of the Indian Penal Code.

Allegedly the son of the informant was last seen along
with the FIR named accused persons including the petitioner
before he was found dead.

Learned counsel for the petitioner submits that it is
the case of last seen, where one Raja Kumar, during the course
of investigation, said that he saw the deceased in the company
of the accused persons including the petitioner, and in the



morning, his dead body was found.

It is submitted by the learned counsel for the petitioner that the proximity of the last seen and the recovery of the dead body is quite long, attracting even suspicion against the petitioner. It is further submitted that on a similar circumstance, one co-accused, namely, Shankar Chaudhary, who was also last seen with the deceased, has been allowed the privilege of bail vide order dated 16.12.2022, passed in Cr. Misc. No. 54792 of 2022. It is lastly submitted that the petitioner is in custody since 01.04.2022, having fair antecedent.

On the other hand, learned counsel for the State, opposed the bail application and submitted that the deceased was last seen with the petitioner and other co-accused persons and thereafter, his dead body was recovered.

Regard being had to the submissions made on behalf of the parties and considering the fact that one co-accused having identical allegation, has been enlarged on bail, coupled with the period of custody and having fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-IV, Patna City, Patna in connection with Malsalami P.S.



Case No. 138 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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