

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16762 of 2022

Arising Out of PS. Case No.-8 Year-2021 Thana- MUNGER MUFFASIL District- Munger

Ashish Paswan, Male, aged about 25 years, Son of Mukhtiyar Paswan @ Mukeshwar Paswan Resident of Village - Biliya, P.s- Shampur H.Kharagpur, Distt.- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh, Adv.

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

8 16-01-2023 Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Muffasil P.S. Case No. 08/2021 registered for the offence punishable under Section 364 of the Indian Penal Code (for brevity 'IPC') and subsequently added 302, 201, 120 (B) IPC.

The informant's son was running a mobile shop and on 04.01.2022, it is alleged that one Rahul Kumar, called on his mobile phone. The said Rahul Kumar, took the informant's son, Himanshu along with him whereafter, it is stated that the son did not return. On inquiry, he has come to know that they had gone to the house of one Maula Paswan where four-five (4-5) persons were present, thereafter they have had meal and drink together. On inquiry being made by the informant, they have denied the knowledge where the informant's son has gone after having meal and drink with them.

It is submitted by the petitioner's counsel that the petitioner's implication in this case is false. On statement of Ravish Kumar and Sunny Kumar, during the course of investigation, the petitioner along



with others has been implicated and under such circumstances, he is in custody since 06.10.2021.

It is further submitted that petitioner has one criminal antecedents, that also was based on the statement of the same co-accused, Ravish Kumar and in that case he is on bail. He submits that other than that statement of co-accused, having no evidentiary value, there is nothing in the investigation to connect him with the alleged occurrence. The said co-accused is on inimical terms with the petitioner and is repeatedly implicated in cases one after the other. In the investigation, enmity has emerged with one co-accused Rahul Kumar.

Learned APP has opposed the prayer. It is submitted that confessional statement of co-accused clearly indicates the petitioner as a party to the crime.

Considering the rival submissions, nature of petitioner's implication or statement of co-accused, period of custody, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 C.J.M. Munger, in connection with Muffasil P.S. Case No. 08/2021, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented



on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(iii) That the petitioner would be obliged to participate in the trial on day-to-day basis by ensuring his representation.

This Court would expect that the petitioner’s counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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