

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22389 of 2023

Arising Out of PS. Case No.-505 Year-2022 Thana- SARAIYA District- Muzaffarpur

Rohit Paswan @ Anda S/O Dharamdeo Paswan Resident of Village-
Shahbajpur Pati, Bhagwanpur, P.S and District- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
21.10.2022, in connection with Saraiya P.S. Case No. 505 of 2022,
F.I.R. dated 12.07.2022 registered for the offences punishable
under Sections 302, 120B, 34 of the Indian Penal Code.

The allegation against the petitioner is to commit
murder of the Informant' mother along with other co-accused
persons due to previous enmities while she was going to Jaitpur
market for purchasing vegetables.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that the 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 persons namely Sanjeet Paswan and except the confessional statement of said co-accused person, no other cogent material has come to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused Sanjeet Paswan has been granted bail by a Coördiante Bench of this Court vide order dated 24.02.2023 passed in Cr. Misc. No. 67217 of 2022 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 21.10.2022.

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

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-4th, West, Muzaffarpur in connection with Saraiya P.S. Case No. 505 of 2022, 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 witness, 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 antecedents, 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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