

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.18657 of 2022**

Arising Out of PS. Case No.-131 Year-2018 Thana- BARUN District- Aurangabad

Sarvan Paswan @ Shravan Paswan, aged about 22 years, Son of Ramesh  
Paswan, Resident of Village- Belai, P.S.- Nabinagar, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the State : Ms. Anita Kumari Singh, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH  
ORAL JUDGMENT**

**Date : 18-01-2023**

Heard Mr. Sanjay Kumar, learned counsel for the petitioner and Ms. Anita Kumari Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner who is in custody, seeks bail in connection with Barun PS Case No.131 of 2018 dated 04.07.2018 instituted under Sections 394, 302, 120B of the Indian Penal Code and 25(1-B)(a), 26, 27, 35 of The Arms Act, 1959.

3. This is the third attempt for bail as earlier such prayer was rejected by judgment and order dated 09.12.2019 passed in



Cr. Misc. No. 78130 of 2019 and thereafter by judgment and order dated 28.07.2021 in Cr. Misc. No. 7923 of 2021.

4. The petitioner is accused of being the person who while being in prison had given the idea to the arrested co-accused who had shot dead the driver of a Scorpio vehicle trying to loot it and had also suggested the name of the person whom the assailant/arrested person should contact for execution of such crime.

5. Learned counsel for the petitioner submitted that admittedly the petitioner was in custody on the date the occurrence took place and at best the allegation is that he had only given an idea to commit loot and not even given the details of whom to loot and kill. It was also submitted that the persons who had executed the crime have already been enlarged on bail. Learned counsel submitted that the petitioner has been in custody now for more than four years as he was remanded in the present case on 07.12.2018.

6. Learned APP submitted that the petitioner is the person who had given the idea of the crime to the persons arrested. However, it is not controverted that the allegation is not with regard to specifically planning the present crime and identifying



the victim and only an idea to loot four wheelers on the national highway was given.

7. Having considered the submissions of learned counsel for the parties and taking into account the nature of the allegation and the period of incarceration, the Court is inclined to allow the prayer for bail.

8. Accordingly, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000 (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-III, Aurangabad in Barun PS Case No. 131 of 2018, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity, act in violation of any law/statutory provision, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent



on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

9. The application stands disposed of in the aforementioned terms.

**(Ahsanuddin Amanullah, J)**

Arish/-  
P.Kumar/-

|          |  |
|----------|--|
| AFR/NAFR |  |
| U        |  |
| T        |  |

