

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29253 of 2022

Arising Out of PS. Case No.-77 Year-2021 Thana- KAHALGAON District- Bhagalpur

Chandan Paswan, S/O Late Vijay Paswan R/O Village- Ram Nagar Bandra
Bageocha, P.S.- Kahalgaon, District- Bhagalpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Manoj Kumar

For the Opposite Party/s : Mr. Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 03-02-2023 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The petitioner seeks bail in a case registered for the offences punishable under Sections 302/ 34 of the Indian Penal Code and Section 27 of the Arms Act.

The learned counsel for the petitioner submits that the petitioner is in custody since 14.01.2020, he is a person with clean antecedent and the informant alleges that on 31.01.2021 at about 3-4 P.M. in the evening, Chandan Paswan (petitioner) called her brother Binod Paswan at Bandar Bagicha on mobile and thereafter, her brother did not return.

It is next alleged that on 01.02.2021 at about 1.00 A.M., police informed the informant that her brother has been shot. Accordingly, she reached the place of occurrence and



found the dead body of her brother. It is next alleged that her brother was working as a Khalasi on the pick-up van of Chandan Paswan and Chandan Paswan owed Rs.50,000/- to her brother and to misappropriate the said amount, the occurrence was committed.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is next submitted that during the course of investigation, no material came to connect the petitioner with the offence nor the investigating authority investigated whether petitioner had called her brother on 31.01.2021 or not from his mobile. It is next submitted that informant is not an eye witness to the occurrence and the entire allegation hinges around suspicion and at the cost of repetition, it is submitted that petitioner is a person with clean antecedent. It is next submitted that charges have been framed, but till date, not a single witness has been examined.

The learned A.P.P. opposes the bail application.

Considering the submission that the charges have been framed and not a single witness till date has been examined, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.



10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Kahalgaon P. S. Case No.77 of 2021.

The application stands allowed.

However, in the event, if the learned trial Court comes to a conclusion that petitioner after his release is trying to delay the trial, the learned trial Court shall forthwith cancel his bail bonds after recording reasons and shall take all coercive steps to ensure that petitioner is behind bar.

(Satyavrat Verma, J)

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