

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31783 of 2022

Arising Out of PS. Case No.-295 Year-2021 Thana- GAYA MUFASIL District- Gaya

Binod Paswan @ Vinod Paswan, Son of Shaligram Paswan, Resident of
Village - Parsawan, Police Station- Tankuppa, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2, Advocate

For the Opposite Party/s : Mrs. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 08-02-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Heard Mr. Manish Kumar No-2, learned counsel
appearing on behalf of the petitioner and the learned APP for the
State.

The petitioner seeks regular bail, who is in custody in
connection with Muffasil P.S. Case No. 295 of 2021 registered
for the offences punishable under Sections 302, 201 and 34 of
the Indian Penal Code.

The prosecution case is based on the written report of
the informant alleging therein that on 27.06.2021 at about
05:00PM, her husband went to market, when he did not return
in the night, they made a search for him. On 28.06.2021, some



person saw the dead body of her husband and informed her. She further alleged that there was a land dispute between the husband and his brother Shiv Paswan, due to which an altercations took place about ten days ago and his brother-in-law Vinod Paswan, threatened to kill her husband.

Learned counsel appearing on behalf of the petitioner submits that from the FIR, it is evident that there is no eyewitness to the alleged occurrence and only on account of suspicion due to land dispute between the two brothers and the petitioner being brother-in-law of Shiv Paswan, his name has been implicated in this case. He next submits that even during the course of investigation, no cogent material has come, suggesting the complicity of the petitioner, however, on the basis of call detail report, one Niraj Kumar who happens to be brother in law of the deceased was apprehended and he disclosed the name of the petitioner along with others. He next submits that so far the said Niraj Kumar is concerned, he has already been allowed the privilege of bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 70387 of 2021 vide order dated 11.10.2022. He next submitted that now the petitioner is in custody for over a period of one year, having no antecedent.



On the other hand, learned APP for the State vehemently opposes the bail application and submits that the co-accused Niraj Kumar has confessed before the police regarding the involvement of the petitioner.

Regard being had to the submissions made on behalf of the parties and considering the fact that save and except the suspicion and the statement of Niraj Kumar, who has already been allowed bail, there is no material apart from the fact that the petitioner is in custody for over a period of one year, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Muffasil P.S. Case No. 295 of 2021, 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)

shivank/-

U		T	
---	--	---	--

