

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36501 of 2023

Arising Out of PS. Case No.-25 Year-2023 Thana- JAMALPUR District- Munger

=====

Aashish Kumar Son Of Late Sonu Kumar Paswan @ Sonu Paswan Resident
Of Village- Chhoti Keshopur, Ps- Jamalpur, Distt- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Kumar Kamal Nayan, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 27-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 16.03.2023, in connection with Jamalpur P.S. Case No. 25 of 2023, F.I.R. dated 30.01.2023 registered for the offences punishable under Section 302 of the Indian Penal Code and although the police has submitted chargesheet under Section 302 of the Indian Penal Code but the learned Trial Court on the basis of material available on record has been pleased to frame the charge against the petitioner under Section 304 of the Indian Penal Code and Section 25 (a) of the Arms Act.

3. Allegation against the petitioner is that he murdered the deceased by gun shot.

4. 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 allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that the informant is not an eye witness of the alleged occurrence but in fact due to accident the petitioner has received the gun shot injury and a number of witnesses have stated that due to accident the son of the informant has received gun shot injury and petitioner has not committed anything wrong with the son of the informant and now charge has been framed against the petitioner under Section 304 of the Indian Penal Code and Section 25(a) of the Arms Act. The petitioner is in custody since 16.03.2023.

5. 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.

6. 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 Chief Judicial Magistrate, Munger in connection with



Jamalpur P.S. Case No. 25 of 2023, 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)

Ibrar//-

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

