

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37228 of 2023

Arising Out of PS. Case No.-469 Year-2022 Thana- PARBATTa District- Khagaria

Nikesh Paswan Son Of Arun Paswan @ Bangali Paswan @ Baigan Paswan
Resident Of Village - Salarpur, P.S. - Parbatta, District - Khagaria

... .. Petitioner/s

Versus

The State Of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. 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.

3. Petitioner seeks bail who is in custody since 18.11.2022 in connection with Parbatta P.S. Case No. 469 of 2022, F.I.R. dated 30.10.2022 for the offences punishable under Sections 302, 201, 406, 120B read with 34 of the Indian Penal Code.

4. According to prosecution case, the informant raised suspicion that this petitioner along with other accused person might have murdered his son and buried the dead body due to some dispute between them.



5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been 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 offences as alleged in the F.I.R. He further submits that it appears from the F.I.R. that the date of occurrence is 25/26.10.2022 but the present F.I.R. was instituted on 30.10.2022 i.e. after delay of 4 days without giving any explanation of the said delay. He further submits that the informant is not the eye witness of the alleged occurrence and merely on the basis of suspicion the petitioner and other accused person have been implicated in this false and fabricated case. He further submits that it has come during investigation that the petitioner was last seen with the son of the informant and on that basis the suspicion has been raised against the petitioner that he might killed the son of the informant and thereafter, the confessional statement of the petitioner was recorded and except the confessional statement of the petitioner, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 18.11.2022.



6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

7. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Khagaria in connection with Parbatta P.S. Case No. 469 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 witnesses, 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 antecedent, 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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