

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37695 of 2023

Arising Out of PS. Case No.-188 Year-2021 Thana- BHAGWANPUR District- Vaishali

SUNDESHWAR PASWAN @ SUNDESHAR PASWAN S/O RAM EKBAL
PASWAN R/O Village- Pratap Tand West PS. Bhagwanpur, Dist. Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-08-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 13.02.2023 in connection with Bhagwanpur P.S. Case No. 188 of 2021, F.I.R. dated 28.08.2021 registered for the offence punishable under Sections 120(b),302,201 of IPC.

3. As per prosecution case, the Police had received information that in the western part of village Prataptand, dead body of a boy and a girl are floating in the pond. The dead body was identified by the Chawkidar as Raunak Kumar Patel and Sima Kumari. It has been stated in the F.I.R. that matter was known in the public at large that both were in love and interested to marry but relative of both the deceased use to oppose this marriage. It has also been intimated in the F.I.R. that



with a view to maintain the social prestige the relative of both the deceased have committed this offence and thrown the dead body in the pond and, therefore, case has been filed against the family of both the deceased.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. The petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused person, namely, Ravi Kumar. Further submits that co-accused, namely, Ravi Kumar has named the number of persons and almost all of them including Inod Paswan, Devendra Paswan, Malti Devi @ Kismati Devi @ Krishna Malti Devi, Ravi Kumar and Sujit Kumar @ Sujeet Kumar have been granted bail vide orders dated 18.10.2022, 07.12.2022 and 22.02.2023 passed in Cr. Misc. Nos.2207 of 2022, 34 of 2022, 101 of 2022 and 62286 of 2022 respectively and other co-accused persons have also been granted bail by different Coordinate Benches of this Hon'ble Court and except the confessional statement of the co-accused person, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the



present occurrence and no one is the eye witness of the alleged occurrence and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 13.02.2023.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, 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 learned A.C.J.M.-I, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No. 188 of 2021 with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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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