

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47985 of 2023

Arising Out of PS. Case No.-413 Year-2022 Thana- DHAKA District- East Champaran

Mukesh Paswan Son of Ravindra Paswan Resident of village-Narayanpur,
P.S.-Patahi, District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 30.05.2023, in connection with Dhaka (Pachpakari) P.S. Case No. 413 of 2022, F.I.R. dated 12.07.2022 registered for the offences punishable under Sections 302, 201, 120B of the Indian Penal Code.

3. Allegation against the petitioner is that he along with other co-accused persons have committed the murder of informant's grandson namely Karan Kumar due to non-fulfillment of demand of daily wages and also threatened him.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent 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. and the petitioner has been implicated in the present case merely on the basis of suspicion and no one is the eye witness of the alleged occurrence. He further submits that except the suspicion, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence and the co-accused namely Bhadai Paswan against whom the similar allegation as alleged in the F.I.R. has been granted bail by a Coordinate Bench of this Court vide order dated 22.02.2023 passed in Cr. Misc. No. 66339 of 2022, another co-accused person namely Krishna Ram has been granted bail by a Coordinate Bench of this Court vide order dated 04.05.2023 passed in Cr. Misc. No. 73443 of 2022 respectively and the petitioner is in custody since 30.05.2023.

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

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 Sub-Divisional Judicial Magistrate, Sikrahana at Dhaka, East Champaran in connection with Dhaka (Pachpakari) P.S. Case No.



413 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 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)

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