

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49727 of 2023

Arising Out of PS. Case No.-1570 Year-2022 Thana- PHULWARISHARIF District- Patna

SUNIL PASWAN SON OF LATE BUDHAN PASWAN @ GODHAN
PASWAN RESIDENT OF VILLAGE- PREMNAGAR, PS- RUPASPUR,
DISTT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Jiban Pd. Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-09-2023 Heard learned counsel for the petitioner and I learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Phulwarisharif P.S. Case No. 1570 of 2022 registered for the
offence under Sections 302, 201, 120(B) and 34 of the Indian
Penal Code.

The prosecution case hinges upon recovery of a dead
body thrown in jhari.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
the petitioner has not been named in the F.I.R., however, his name
transpired in this case on the basis of confessional statement of
the co-accused, Umashankar Kumar and took the name of the



petitioner, who has also confessed his involvement in the alleged occurrence before the police. Save and except the confessional statement of the co-accused, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. Moreover, co-accused, Dewanti Devim, Aman Kumar, Akash Kumar and Sanjay Kumar having more or less similar allegation have already been granted bail by different co-ordinate Benches of this Court vide order dated 0.07.2023, 02.08.2023, 08.08.2023 and 19.08.2023 passed in Cr. Misc. No. 32188 of 2023, Cr. Misc. No.48011 of 2023, Cr. Misc. No.48748 of 2023 and Cr. Misc. No. 51494 of 2023 respectively. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 31.01.2023.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that though the name of this petitioner surfaced in this case on the basis of confession of the co-accused, but He further submits that has also confessed his guilt with respect to present occurrence. Apart from the CDR location of the petitioner suggest that he was present near the place of occurrence.

Considering the facts and circumstances of the case, let the, above named, petitioner 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.-XIV, Patna in connection with Phulwarisharif P.S. Case No. 1570 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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