

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52794 of 2023

Arising Out of PS. Case No.-87 Year-2022 Thana- BHAIKAVSHTHAN District- Madhubani

Sunil Paswan Son Of Late Dabaru Paswan @ Dagaru Paswan R/O Village
-Paigambarpur Dadar Koulhula, Ps- Ahiyapur, District -Muzaffarpur Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishal Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 03.06.2022 in connection with Session Trial No.107 of 2023, arising out of Bhairavsthan (Bhairabsthan) P.S. Case No. 87 of 2022 (G.R. No.802 of 2022), F.I.R. dated 18.05.2022 for the offences punishable under Sections 302/201 of the Indian Penal Code.

3. According to prosecution case, a dead body was found floating in a Pokhar and on an information given to the police, the dead body was recovered, however, none of them identified the dead body.

4. 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 petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused person namely, Ganesh Thakur and others. He further submits that except the onfessional statement of co-accused person namely, Ganesh Thakur and others, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that similarly situated, co-accused, namely, Ganesh Thakur and others against whom the charge have framed have been granted bail by a co-ordinate Bench of this Court vide order dated 26.06.2023 passed in Cr. Misc. No. 8749 of 2023, another co-accused namely, Md. Minhaz has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 25.02.2023 passed in Cr. Misc. No.66846 of 2022 and another co-accused namely, Amir Kumar has been granted bail by this Court vide order dated 11.07.2023 passed in Cr. Misc. No. 4008 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 03.06.2022.

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



petitioner.

6. Considering the aforesaid facts and circumstances and period of custody, 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 Additional District & Sessions Judge-III, Jhanjharpur, Madhubani in connection with Session Trial No.107 of 2023, arising out of Bhairavsthan (Bhairabsthan) P.S. Case No. 87 of 2022 (G.R. No.802 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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