

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55819 of 2023

Arising Out of PS. Case No.-21 Year-2021 Thana- MUFFASIL District- Aurangabad

Umesh Paswan S/O Late Bigu Paswan R/O Village- Badaki Bela, P.S.-
Muffasil, Dist.- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 02.05.2022, in connection with Sessions Trial No. 198 of 2022/26 of 2023 arising out of Muffasil (Aurangabad) P.S. Case No. 21 of 2021 and C.I.S. No. 198 of 2022, F.I.R. dated 09.02.2021 registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

3. According to prosecution case, there is allegation against the petitioner that he along with co-accused namely Harendra Paswan and others caught the father of the informant and take him towards East Badhar and brutally committed murdered by cutting his throat.

4. Earlier the bail petition of the petitioner was



allowed by order dated 28.03.2023 passed in Cr. Misc. No. 69761 of 2022 but the bail bond of the petitioner was not accepted by the learned Trial court on the ground that the petitioner has stated in paragraph-3 of the bail petition that the petitioner has clean antecedent but in fact the petitioner carries one more criminal antecedent other than the present one.

5. Learned counsel for the petitioner further submits that from perusal of the F.I.R. it appears that the informant is not an eye witness of the alleged occurrence and due to long pending land dispute between the parties, the petitioner has been falsely implicated in the present case and there is no specific allegation against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that similarly situated co-accused persons namely Krishna Paswan and Chotu @ Chote Paswan have been granted bail by a Coordinate Bench of this Court vide order dated 23.08.2022 passed in Cr. Misc. No. 18577 of 2022, another co-accused person namely Umesh Paswan has been granted bail by this Court vide order dated 28.03.2023 passed in Cr. Misc. No. 69761 of 2022 respectively. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 02.05.2022.



6. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

7. 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 Additional District & Sessions Judge-Xth, Aurangabad in connection with Sessions Trial No. 198 of 2022/26 of 2023 arising out of Muffasil (Aurangabad) P.S. Case No. 21 of 2021 and C.I.S. No. 198 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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