

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57981 of 2023

Arising Out of PS. Case No.-400 Year-2022 Thana- DEHRI TOWN District- Rohtas

Dadan Paswan Son Of Ganesh Paswan @ Ganesh Ram Resident Of Village-
Bahori Bigha Chaap, P.S- Akorhi Gola, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 13.08.2022, in connection with Sessions Trial No. 563 of 2023 arising out of Dehri (Indrapuri) P.S. Case No. 400 of 2022, F.I.R. dated 07.06.2022 registered for the offences punishable under Sections 302, 406, 420, 467, 468, 328/34 of the Indian Penal Code but the police after investigation submitted chargesheet against the petitioner under Sections 306, 406, 420, 467, 468/34 of the Indian Penal Code.

3. Allegation against the petitioner is that he along with other co-accused persons administered poison to the husband of the informant.

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 from perusal of the F.I.R. it appears that the alleged date of occurrence is 09.03.2016 but the present F.I.R. was instituted on 07.06.2022 and the allegation against the accused persons including the petitioner in the F.I.R. that they have administered poison to the husband of the informant on 16.10.2019. 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 co-accused person Durga Prasad has been granted bail by a Coordinate Bench of this Court vide order dated 18.04.2023 passed in Cr. Misc. No. 72568 of 2022. He further submits that the police after investigation submitted chargesheet against the petitioner and thereafter charge has been framed on 23.11.2022 and the petitioner is in custody since 13.08.2022.

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 Additional Sessions Judge-9th, Rohtas at Sasaram in connection with Sessions Trial No. 563 of 2023 arising out of Dehri



(Indrapuri) P.S. Case No. 400 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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