

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66281 of 2022

Arising Out of PS. Case No.-146 Year-2021 Thana- KHANPURA District- Samastipur

1. KRISHNA PASWAN Son of Punyadev Paswan R/V- Nathudwar, P.S- Khanpur, Dist- Samastipur
2. Punyadev Paswan @ Punay Dev Paswan Son of Late Baigan Paswan R/V- Nathudwar, P.S- Khanpur, Dist- Samastipur
3. Sushil Paswan Son of Punyadev Paswan R/V- Nathudwar, P.S- Khanpur, Dist- Samastipur
4. Rambabu Paswan Son of Upendra Paswan R/O Village- Nathudwar, P.S- Khanpur, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate
For the Opposite Party/s : Mr. Mohammad Sufyan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 08-05-2023 Learned counsel for the petitioner submits that during pendency of the bail petition, the petitioner no.1 namely, Krishna Paswan has been granted bail by the Juvenile Justice Board, Samastipur. Accordingly, the learned counsel for the petitioners seek permission to withdraw this application with respect to petitioner no.1 namely, Krishna Paswan.

Permission is accorded.

Accordingly, the present application is dismissed as withdrawn with respect to petitioner no.1 namely, Krishna Paswan.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.



Petitioners seek bail, who are in custody since 21.07.2022 in connection with Khanpur P.S. Case No. 146 of 2021, G.R. No. 1625 of 2021, F.I.R. dated 06.07.2021 for the offences punishable under Sections 302/34 of the Indian Penal Code.

According to prosecution case, as per F.I.R is that the petitioners along with other F.I.R named accused persons came at the door of the informant and taken away brother of the informant namely Sintu Paswan @ Pallu Paswan and Raushan Paswan. After some time, the dead body of both the persons were found in the water.

Learned counsel for the petitioners submits that petitioner no.4 namely, Rambabu Paswan has clean antecedent and petitioner no.2 and 3 namely, Punyadev Paswan @ Punay Dev Paswan and Sushil Paswan carries one criminal antecedent other than the present one. He further submits that petitioners are innocent and they have falsely been implicated in the present case merely on the basis of suspicion. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. and the informant is not the eye witness of the alleged occurrence. He further submits that except the suspicion no



other cogent material has come during investigation against these petitioner to suggest the involvement of the petitioner in the present occurrence. He further submits that similarly situated, co-accused, namely, Pankaj Paswan and Lali Paswan @ Chandramohan Kumar @ Chandramohan have been granted bail by a co-ordinate Bench of this Court vide order dated 01.05.2023 passed in Cr. Misc. No. 75424 of 2022. He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioners are in judicial custody since 21.07.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners on the ground that petitioner no.2 and 3 namely, Punyadev Paswan @ Punay Dev Paswan and Sushil Paswan carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-XI, Samastipur in connection with Khanpur P.S. Case No. 146 of 2021, G.R. No. 1625 of 2021, subject to the following conditions:-



1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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)

mdrashid/-

U		T	
---	--	---	--

