

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69761 of 2022

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

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UMESH PASWAN Son of Late Bigu Paswan Resident of Village- Badaki
Bela, P.S.- Muffasil, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Ms. Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offence punishable under Section 302/34 of the Indian Penal
Code.

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.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case due to previous land dispute. He
further submits that it appears from the F.I.R. that there is
general and omnibus allegation against all the accused persons



including the petitioner. He further submits that no other cogent material has come during investigation against the petitioner and there is no specific allegation of any assault or overt act against the petitioner and similarly situated, co-accused persons, namely, Krishna Paswan and Chotu Paswan have been granted bail vide order dated 23.08.2022 passed in Cr. Misc. No.18577 of 2022, another co-accused namely, Harendra Paswan has been granted bail vide order dated 16.03.2023 passed in Cr. Misc. No. 65351 of 2022 and co-accused namely, Upendra Paswan has been granted bail vide order dated 20.06.2022 passed in Cr. Misc. No. 44076 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 02.05.2022.

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

Considering the aforesaid facts and circumstances, 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 Court below where the case is pending in connection with S.Tr. No.198/2022/197/2022, arising out of Aurangabad (Muffasil) P.S. Case No. 21/2021, 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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