

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65351 of 2022

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

Harendra Paswan S/O Late Mahesh Paswan, Resident of Village- Badaki
Bela, P.S.- Muffasil, District- 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. Rajiv Nayan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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

According to prosecution case, as per F.I.R. the
informant stating therein that on 09.02.2021 when the
informant's father went to near village to take rice as his wages.
In the meantime, Harendra Paswan and Umesh Paswan
alongwith other co-accused persons caught his father and take
him towards East Badhar and brutally murdered informant's
father by cutting his throat. It is further alleged that he and his
family is living out of village due to prior land dispute between
the parties.



Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case due to previous land dispute. He further submits that there is no eye witness of the alleged occurrence and only on the basis of suspicion the name of the petitioner has falsely been implicated in the present case. He further submits that during investigation no other cogent material has come against the petitioner and the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Krishna Paswan and Chotu Paswan have been granted bail by a co-ordinate Bench of this Court vide order dated 23.08.2022 passed in Cr. Misc. No. 18577 of 2022 and the case of the petitioner is on similar footing. 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 Aurangabad



(Muffasil) P.S. Case No. 21 of 2021, Sessions Trial No. 198 of 2022 and 197 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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