

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66251 of 2022

Arising Out of PS. Case No.-12 Year-2022 Thana- NADI P.S. District- Bhagalpur

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Santosh Paswan Son Of Bisundeo Paswan @ Vishun Dev Paswan R/O
Village- Azadnagar Sinhkund, P.S.- Nadi, District- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
15.05.2022 in connection with Nadi P.S. Case No. 12 of 2022,
F.I.R. dated 05.04.2022 for the offences punishable under
Sections 302/34 of the Indian Penal Code and Section 27 of the
Arms Act.

According to prosecution case, in brief, is that the
informant states that on 05.04.2022 at about 7.00 A.M. when he
was traveling with his brother Ravish Kumar on his motorcycle.
On Suman Yadav was also with them as a pillion rider and all
of them were going to Takna Diyara. At about 7.30 A.M. when
the motorcycle reached near Maize Crop field of one Mahanth
Singh they saw all the F.I.R. named accused persons and all
emerging from Maize Crop all of sudden caught hold the



informant's brother Ravish Kumar who was driving the motorcycle and as a result motorcycle fell down. All three persons riding and sitting on the motorcycle tried to run away in three different directions in order to escape. The informant's statement is that two of them jumped into the river while his brother ran into the wheat field and informant brother was chased down by the aforementioned nine criminals and immediately thereafter Jajla Yadav whipped out a country made firearm pointed it at the head of brother of the informant and shot him and again shot on the stomach. It is further alleged that all the miscreants fled away in the maize field.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that bare perusal of the F.I.R. it transpired that the petitioner was only a member of unlawful assembly and there is no specific allegation of any assault or overt-act is attributed against the petitioner. He further submits that there is specific allegation of firing is attributed against the co-accused namely, Jajla Yadav who fired upon the brother of the informant and no other cogent material has come during investigation against the petitioner except that the petitioner was only a member of unlawful assembly. He further submits that



the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 15.05.2022

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one.

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 Additional Chief Judicial Magistrate-Ist, Naugachia, Bhagalpur/Successor Court in connection with Nadi P.S. Case No. 12 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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