

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70856 of 2023

Arising Out of PS. Case No.-124 Year-2020 Thana- CHAKAI District- Jamui

Arbind Paswan Son Of Doman Paswan Resident Of Village- Chhotaki Tand,
P.S.- Chakai, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Arvind Kumar Pandey (APP.84)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Chakai P.S. Case No. 124 of 2020, lodged on 05.07.2020, under
Section 302/120B/34 of the Indian Penal Code.

3. As per the prosecution case, FIR has been lodged
against 12 named accused person against whom general and
omnibus allegation has been made that under conspiracy they
have assaulted the brother of the informant and killed him and
subsequently hanged his body on the tree. It was disclosed by
the informant that it was Kundan Paswan who called the brother
of the informant in the night.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits



that petitioner is in custody since 16.12.2022. Counsel submits that from the FIR it is very much clear that informant is not an eyewitness of the occurrence. There is general and omnibus allegation against all the accused persons. Counsel further submits that charges have already been framed in this case and sessions trial has commenced. Counsel for the petitioner submits that petitioner is ready to appear on each and every date physically. Counsel also submits that one of the co-accused have been granted bail by a coordinate Bench of this Court vide order dated 17.10.2022 passed in Cr. Misc. No.72285 of 2021.

5. Learned counsel for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Jamui, in connection with Chakai P.S. Case No. 124 of 2020, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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