

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.72431 of 2022**

Arising Out of PS. Case No.-119 Year-2019 Thana- BARACHATTI District- Gaya

UPENDRA PASWAN Son of Late Ram Jatan Paswan R/V- Kaji Tola,  
Kurthiatand, P.S- Gurua, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Binod Kumar Pandey, Advocate  
For the Opposite Party/s : Mrs. Madhuri Lata, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

4      20-06-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since  
07.06.2022 in connection with Barachatti P.S. Case No. 119 of  
2019, F.I.R. dated 14.03.2019 for the offences punishable under  
Section 396 of the Indian Penal Code and Section 25(1-b)a, 26  
and 35 of the Arms Act.

According to prosecution case, it is alleged in the  
written report that informant after closing his shop was  
returning to his house, he heard sound of firing. He reached the  
house and found his father lying dead sustaining firearm injury.  
It is further alleged that family members had caught one of the  
assailants and kept him confined, who disclosed his name as  
Kamlesh Shingh. It is further alleged that Kamlesh Singh



disclosed the name of petitioner.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused namely, Sitabi Paswan. He further submits that except the aforesaid no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence. He further submits that it appears from the confessional statement of the Sitabi Paswan that co-accused Kamlesh Singh has fired upon the victim and the petitioner was the accompanied with the other co-accused persons. He further submits that similarly situated, co-accused, namely, Babu Ram Prasad @ Nanhaku @ Nanhak @ Ajit has been granted bail by a co-ordinate Bench of this Court vide order dated 23.08.2019 passed in Cr. Misc. No. 50892 of 2019 and another co-accused namely, Sitabi Paswan has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 30.08.2019 passed in Cr. Misc. No. 40630 of 2019. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in



judicial custody since 07.06.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries four criminal antecedents other than the present one, in which he is on bail in all the cases.

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 Chief Judicial Magistrate, Gaya in connection with Barachatti P.S. Case No. 119 of 2019, 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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