

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1621 of 2023

Arising Out of PS. Case No.-211 Year-2022 Thana- NAUBATPUR District- Patna

Ramji Paswan S/o Chaneswar Paswan Resident of village- Baliya Van, P.S.-
Naubatpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan Sinha, Adv.

For the Opposite Party/s : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-04-2023 Heard Mr. Rajiv Ranjan Sinha, learned counsel
appearing on behalf of the petitioner and Md. Aslam Ansari,
learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody
in connection with Naubatpur P.S. Case No. 211 of 2022
registered for the offences punishable under Sections 341, 323,
337, 338, 307 and 325/34 of the Indian Penal Code and, later on
Section 302 of the Indian Penal Code was added.

As per the prosecution case, it is alleged that all the
FIR named accused persons brutally assaulted the informant
with iron rod, stone and butt of the pistol due to which he
became unconscious and thereafter he was brought to All India
Institute of Medical Science, Patna, for his treatment, where his
fardbeyan was recorded and, later on after twenty days of the



occurrence, he succumbed to the injuries.

Learned counsel appearing on behalf of the petitioner submits that from the FIR, it is evident that the informant was narrated the entire incidence as he was the eyewitness to the alleged occurrence and the petitioner is not named in the FIR. However, later on, in course of supervision, his name has been added. He further submits that save and except the materials came in supervision note, there is nothing on record which suggests the complicity of the petitioner in the present crime, apart from the fact that the petitioner having fair antecedent is in custody since 18.08.2022 and now the investigation is complete.

The aforesaid contention has been vehemently opposes by the learned counsel for the informant and submits that since the informant was not in a stable condition and hence he could not be able to take the name of other accused persons, who were also involved in the present crime.

Learned counsel for the State also opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the informant being an eyewitness to the alleged occurrence has taken the



name of five accused persons and not even whisper about the petitioner, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Danapur, Patna in connection with Naubatpur P.S. Case No. 211 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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