

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7053 of 2024

Arising Out of PS. Case No.-206 Year-2023 Thana- MANIYARI District- Muzaffarpur

Sushil Paswan @ Sushil Kumar Son of Harinandan Paswan @ Harinandan
Paswan Resident of Village-Lakshmipur, P.S.-Sakra, Distt.-Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 09-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Maniyari P.S. Case No. 206 of 2023 dated 04.07.2023, lodged under Sections 302 and 34 of the I.P.C. read with Section 27 of the Arms Act.

3. As per the prosecution case, the F.I.R. has been lodged against one known and other unknown accused persons. In the F.I.R., the informant has disclosed about murder of her husband that her husband was doing property dealing with one Bulbul Rai, named accused and she had seen that her husband was called by the said named accused and returned at the house of Ajay Kumar Tiwari in injured condition, seeing that the informant went to the hospital, where he was referred to Patna and doctor has declared him dead.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that in the entire F.I.R., the name of petitioner is not there. He further submits that in the case diary, the name of petitioner has come in the confessional statement of sole accused, Bulbul Rai and his father in which they have categorically stated the role of each and every person in commission of the crime by which it transpires that save and except the petitioner was their, there is nothing specific, act or overt act alleged against the petitioner. He further submits that the antecedent of the petitioner is clean (a case pending in West Bengal, he was acquitted) and he is in custody since 21.07.2023.

5. Learned A.P.P. 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 (**only after framing of charge, if not framed**) on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-VIIIth, Muzaffarpur in connection with Maniyari P.S. Case No. 206 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

(i) one of the bailors 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.

7. With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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