

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10571 of 2024

Arising Out of PS. Case No.-178 Year-2023 Thana- DHANARUA District- Patna

Vijay Paswan, Masle, age about 41 years, S/O Late Banke Paswan R/O Village + P.O- Pabhera, P.S- Dhanarua, Distt.- Patna.

... .. Petitioner/s

Versus

The state of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lallu Prasad, Advocate

For the Opposite Party/s : Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody in connection with Sessions Trial No.1121 of 2023 arising out of Dhanarua P.S. Case No.178 of 2023 registered for an offence punishable under Sections 302/34 and 120B of the Indian Penal Code.

3. As per allegation in the FIR, the informant alleged that while he was sleeping with his wife, found two persons entered and shot his wife twice which proved fatal. He has held his family members which includes Sukhdev Prasad (his brother), Vidyanand Prasad (nephew) as also for killing as they were eyeing on his land, he being childless and had adopted one of his another nephew, Uttam Kumar.



4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and petitioner is not named in the FIR and his name dragged in the confessional statement of co-accused Vidyanand Prasad. Petitioner is in custody since 17.07.2023 and similarly situated co-accused persons have already been granted bail by different Benches of this Court passed in Cr. Misc. Nos. 73309 of 2023 and 71851 of 2023.

5. Learned APP for the State opposes the prayer for regular bail of the petitioner.

6. Considering the aforesaid facts and circumstances as also similarly situated co-accused persons have already been granted bail, let the above named petitioner 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 Sri Lalan Kumar, Judicial Magistrate, Ist Classs, Masaurhi, Patna/concerned Court in connection with Dhanarua P.S. Case No. 178 of 2023 with following conditions:-

(i) One of the bailors should be the family member of the petitioner who shall provide official documents to show his bonafide;

(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 bond by the Trial court itself;

(iii) The petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

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

(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 his bail bonds.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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