

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15835 of 2024

Arising Out of PS. Case No.-517 Year-2022 Thana- DHANARUA District- Patna

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DHARMVEER PASWAN S/O LATE MAHENDRA PRASAD @
MAHENDRA PASWAN R/O VILLAGE- JIYAUDDIN CHAK, P.S-
DHANARUA, DISTT.- PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh

For the Opposite Party/s : Mr.Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 23-08-2024 Learned counsel for the petitioner is permitted to make
necessary correction in prayer portion of the bail petition.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner seeks bail in connection with
Dhanarua P.S. Case No.517 of 2022 registered for the offences
punishable under Sections 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

4. As per prosecution case, co-accused Sushil Yadav is
said to have fired upon the chest of informant's father as a result of
which he fell down on the ground. It is further alleged that petitioner
and other accompanied the assailant Sushil Yadav. It is further
alleged that informant's father was taken to hospital but he was
declared dead by the doctor.



5. Learned counsel for the petitioner submits that petitioner is in custody since 16.08.2023. Learned counsel for the petitioner has submitted supplementary affidavit in which it has been mentioned that petitioner bears criminal antecedent of six cases in which he is on bail in all the cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. It is further submitted that petitioner is merely a member of mob and he is not in any way participated in the alleged occurrence. There is no specific overt-act attributed against the petitioner. Moreover, co-accused Shailesh Paswan on similar and identical allegation has already been granted bail by this Court vide Cr. Misc. No. 57583 of 2023 and on the principle of parity, petitioner deserves bail.

6. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

7. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, co-accused has already been granted bail and on the principle of parity let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Masaurhi,



Patna in connection with Dhanarua P.S. Case No.517 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) The trial court 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 trial court shall take step for cancellation of bail bond of the petitioner.

(Alok Kumar Pandey, J)

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