

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20785 of 2024

Arising Out of PS. Case No.-125 Year-2023 Thana- BIND District- Nalanda

Saheb Paswan @ Saheb Kumar Paswan Son Of Bhola Paswan @ Surendra
Paswan R/O-Alipur Tola Kaua Bigha, P.S.-BIND, Distt.-NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-04-2024 Heard Mr. Pankaj Kumar, learned counsel for the

petitioner and Mr. Satyendra Narayan Singh, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bind P.S. Case No. 125 of 2023, F.I.R. dated 10.10.2023 for the offences punishable under Sections 428, 328 and 307 of the Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, petitioner is alleged to have poisoned the pond of the informant due to which all the fishes in the pond died causing him loss of Rs. 7.5 lacs.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the



allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that it appears from the F.I.R. that the informant is not the eye witness of the alleged occurrence and he has filed the present F.I.R. against the petitioner due to ulterior motive.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and the allegation as alleged in the F.I.R. is not supported by any evidence, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Additional Chief Judicial Magistrate-III, Nalanda and Bihar Sharif in connection with Bind P.S. Case No. 125 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

- i. 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.

ii. 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.

iii. 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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