

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40126 of 2024

Arising Out of PS. Case No.-30 Year-2022 Thana- KHUSRUPUR District- Patna

Shakti Paswan S/O Late Nagina Paswan R/O Village- Magaha, Malpur, P.S-
Khushrupur, Distt.- Patna. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-06-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 19.12.2023 in connection with Khushrupur P.S. Case No. 30 of 2022, F.I.R. dated 10.02.2022 for the offences punishable under Sections 302, 201/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, all the 12 F.I.R named accused persons including this petitioner have committed murder of the mother of the informant by cutting her throat.

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 there



is allegation against 12 named accused persons that they have committed murder of the mother of the informant and there is no specific allegation of any assault or overt act attributed against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Uday Shankar Paswan @ Uday Shankar @ Karu Paswan, Randhir Paswan, Ramesh Kumar @ Ramesh Paswan and Prince Kumar @ Prince Paswan have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 28.03.2023 passed in Cr. Misc. No. 3444 of 2023. The petitioner is in custody since 19.12.2023.

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 there is no specific allegation of assault or overt act against this petitioner and the co-accused persons have been granted anticipatory bail by a Co-ordinate Bench of this Court, let the petitioner, above named, 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 Judicial Magistrate 1st Class, Patna



City in connection with Khushrupur P.S. Case No. 30 of 2022,
subject to the 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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