

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83673 of 2023

Arising Out of PS. Case No.-95 Year-2021 Thana- IMADPUR District- Bhojpur

=====

BASANT PASWAN S/O KAMAKHYA PASWAN R/O VILLAGE-
RAJPUR, P.S- IMADPUR, DISTT.- BHOJPUR.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Murli Dhar

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Imadpur P.S. Case No. 95 of 2021 registered for the offences
punishable under Sections 365, 379, 302, 201 and 411 of the
IPC.

3. As per prosecution case, the cousin of the
informant and his brother-in-law were coming on a motorcycle
and when they reached at the place which was hindered by the
local people , they were caught and assaulted by the local
people. Harishankar succeeded in fleeing away from the place
of occurrence and informant's cousin was found missing from
the place of occurrence.

4. Learned counsel for the petitioner submits that



petitioner is not named in the FIR and his name has been transpired in the present case upon the confessional statement of co-accused, Purnwasi Ram. Except confessional statement of co-accused Purnwasi Ram, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that petitioner is in custody since 25.08.2023 and bears criminal antecedent of two cases in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is quite innocent and has falsely been implicated in the case. Learned counsel further submits that co-accused, Purnwasi Paswan, upon whose confessional statement petitioner's name surfaced and other co-accused have already been granted bail vide annexure 2 of the bail petition by the co-ordinate Bench of this Court and on the principle of parity, petitioner deserves bail.

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

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, 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, 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 C.J.M, Bhojpur at Ara in connection with Imadpur P.S. Case No. 95 of 2021, 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.

(Alok Kumar Pandey, J)

vashudha/-

U		T	
---	--	---	--

