

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1000 of 2024

Arising Out of PS. Case No.-141 Year-2022 Thana- KINJAR District- Jehanabad

Indal Kumar S/O Kanhaiya Paswan @ Kanhai Paswan R/O Vill Azad Nagar,
P.S. - Kinjar, Dist - Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjay Kumar Singh, Adv. Mr. Shankar Kumar, Adv.
For the Opposite Party/s	:	Mr. Ajay Kumar No.2, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Kinjar P.S. Case No. 141 of 2022, lodged on 28.12.2022 under
Sections 302, 120(B), 34 of the Indian Penal Code read with
section 27 of the Arms Act.

3. As per the prosecution case, the FIR has been
lodged against two named accused persons and some unknown
accused persons. The informant has disclosed that her son is
studying in Patna and 3-4 days ago, a dispute took place
between named accused persons and his son on which the
named accused persons had threatened the informant's son and
on the next day, when informant's husband was returning, then,



in way her husband was shot dead and when the informant reached near the road, she found the dead body of her husband and upon suspicion, the said case was filed by the informant against named accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel also submits that the name of the petitioner has been figured in this case only by virtue of the confessional statement of Jitan Paswan. Counsel further submits that from bare reading of the FIR, it is very much clear that there is no eye-witness of the occurrence. Counsel submits that the Trial Court in the rejection order has also ascertain the name of the petitioner who alleged to help the main assailants in committing the murder of the deceased.

5. Learned counsel for the petitioner further submits that the antecedent of the petitioner is clean and he is in custody since 31.07.2023.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that calling the case diary is necessary in this case.

7. Upon specific query of the Court from the counsel for petitioner that whether charge has been framed in this case



or not, counsel submits that as per his knowledge, charge has not been framed in this case.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Jehanabad in connection with Kinjar P.S. Case No. 141 of 2022, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds; and

(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 the bail bonds.

(Dr. Anshuman, J.)

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