

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.53490 of 2021**

Arising Out of PS. Case No.-67 Year-2020 Thana- KAJRAILICHAK District- Bhagalpur

Paddi Paswan @ Vikash Paswan Son Of Bado Paswan @ Vado Paswan R/O  
Daudwat, P.S.- Habibpur, Dist.- Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Purushottam Kumar Das, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

3      24-08-2022                      Let the defects, if any, be removed within four weeks from today.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection with Kairaili P.S. Case No. 67 of 2020 for the offences punishable under Sections 302/34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, it is alleged that on 10.09.2020, while the informant was on patrolling duty, he received an information that a person lying injured on the road and also received a gun shot injury on his neck. It is further alleged that local people and passerby identified



the person as Sheikh Apsar.

Learned counsel for the petitioner submits that admittedly there is no eye witness to the alleged occurrence in as much as the present FIR has been instituted against unknown miscreants. However, during the course of investigation, co-accused Md. Safi Ahmad has been arrested and he has confessed his involvement in the present crime and also disclosed the name of the petitioner as one of his associates and even in his confessional statement, the petitioner is not said to be the assailant rather it is only disclosed that he was also a member of a Gang. It is next submitted that save and except confessional statement no other material much less any incriminating or looted material have been recovered from person or possession of the petitioner and so far as the looted motorcycle is concerned the same was recovered from the house of co-accused Md. Safi Ahmad. Moreover, petitioner is in custody since 01.10.2020, having no criminal antecedent and till date, there is no substantive progress in the trial.

On the other hand, learned counsel for the State opposed the bail application and submits that during the



course of investigation, ample material has come suggesting the complicity of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that FIR has been instituted against the unknown person and the name of the petitioner has transpired on the confessional statement of co-accused Md. Safi Ahmad from whose possession recovery has been made and he is in custody since 01.10.2020, having no criminal antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned 4<sup>th</sup> Additional Sessions Judge, Bhagalpur in connection with Kajraili P.S.Case No. 67 of 2020 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.



(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

**(Harish Kumar, J)**

N.K/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

