

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81015 of 2024

Arising Out of PS. Case No.-131 Year-2023 Thana- SUPAUL District- Supaul

Binod Paswan @ Binod Kumar paswan Son of Yogendra Paswan @ Jogindar Paswan Resident of Nagar Parishad, Ward No.26, P.S. - Supaul, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Kumar, Advocate
For the State : Mrs. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 11-04-2025 Heard the parties.

2. The petitioner is in custody in connection with Supaul P.S. Case No. 131 of 2023, ST No. 21 of 2024 for the offence punishable under sections 302, 120B and 34 of the Indian Penal Code and section 27 of the Arms Act, lodged on 19.02.2023 by the informant, Renu Devi.

3. As per the prosecution story, the informant's sister has alleged that her brother, Ajay Kumar Biswas (deceased) was married to Rina Kumari in the year 2010 who subsequently left him and went with a Punjabi to Jamshedpur. The further allegation is that she remained with him for a year and when the said relationship failed, deceased's brother brought her back to Supaul, got her to do some business there and left for Surat. In course of business, the wife of the deceased started moving outside and then had relationship with this petitioner who subsequently started visiting her house. When the informant's brother came to Supaul,



he objected to it and restrained this petitioner from entering his house whereafter the petitioner threatened to kill him. The further allegation is that when her brother was sitting in the shop, a gun fire shot was heard, he was found in a pool of blood and subsequently died. Accordingly the FIR.

4. Earlier the bail application of the petitioner was rejected on 08.09.2023 in Cr. Misc. No. 60382 of 2023 and now the fresh petition.

5. Considering the aforesaid facts and his period of custody a report was called for from the learned Trial Court and the letter no. 45 dated 06.03.2025 shows that out of nine witnesses, only one witness has been examined.

6. Learned counsel for the petitioner submits that the allegation is that this petitioner was having relationship with the wife of deceased and when objected was also threatened. On such basis, he stands implicated, no one has seen the actual occurrence and even the informant acknowledges that after hearing the gun shot, she came out and saw her brother in injured condition. Further, the petitioner has remained in custody since 22.02.2023 (paragraph no. 17 of the petition), do not have criminal antecedent and if enlarged on bail, he shall be diligently appearing in trial and further shall not indulge in any criminal activity and failure to do so, the State shall be free to take steps for the cancellation of his



bail bonds.

7. Learned APP opposes the prayer for bail submitting that this petitioner was having relationship with the deceased's wife who is also an accused and now on bail. The deceased had informed his family members that this petitioner has threatened him of dire consequences.

8. Taking into account the aforesaid facts as also the submissions put forward by the parties, allegation is there, charge-sheet stands submitted, he do not have criminal antecedent, an undertaking has been given that he shall be diligently appearing in trial and further shall not to indulge in any criminal activity failing which the State shall be free to take steps for cancellation of his bail bonds, has remained in custody since 22.02.2023, in that background, this Court is inclined to extend him the privilege of bail.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-V, Supaul, in connection with Supaul P.S. Case No. 131 of 2023, ST No. 21 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her 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 bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

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

(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 his bail bonds.

10. Anything recorded in this order shall not be taken into account during the course of trial as the same has been observed only for the purpose of grant of bail.

(Rajiv Roy, J)

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