

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23788 of 2015

Arising Out of PS.Case No. -2 Year- 2015 Thana -THAWE District- GOPALGANJ

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1. Bhadai Paswan S/o Late Anwat Paswan R/o village - Sihokha Nawaka Tola, P.S. Thawe, District – Gopalganj	 Petitioner/s
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Versus

1. The State of Bihar	 Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Amit Kumar Rakesh

For the Opposite Party/s : Mr. Smt.Rina Sinha(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 05-10-2015

Heard learned counsel for the petitioner and learned A.P.P. representing the State.

Petitioner seeks bail in connection with Thawe P.S. Case No. 2 of 2015 registered for the offences punishable under Sections 302, 201/34 of the Indian Penal Code.

Allegedly Mogal Ram, the younger brother of the informant became traceless and later his dead body was found in the village pond and the petitioner and his wife were also not found in the house and accordingly, suspicion has been raised that they along with others after killing the younger brother of the informant threw the dead body in pond as from earlier there was dispute between them.

Submission is of false implication and petitioner has voluntarily surrendered on 10.02.2015 and since then he is in custody and besides suspicion, there is nothing against him. It has come during investigation that the deceased was having love affair

with the daughter of the petitioner and the petitioner being annoyed, committed the crime but there is no eye witness and it is further stated that the petitioner was not seen with the deceased at any point of time so it is also not a case of last seen and in postmortem, it is found asphyxia due to ante-mortem drowning and no external injury has been found on the body of the deceased and as such the petitioner deserves sympathetic consideration to which learned A.P.P. fairly submits that no external injury has been found on the person of the deceased during postmortem.

In the facts and circumstances stated above, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned Chief Judicial Magistrate, Gopalganj arising out of Thawe P.S. Case No. 02 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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