

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11907 of 2015

Arising Out of PS.Case No. -19 Year- 2014 Thana -BARAHIYA District- LAKHISARAI

Sony Singh @ Praveen Kumar S/o Gauri Singh @ Krishna Nandan Prasad
Singh Resident of Village / Mohalla Aunta, P.S. Hathidah, District Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

With

Criminal Miscellaneous No.12034 of 2015

Arising Out of PS.Case No. -19 Year- 2014 Thana -BARAHIYA District- LAKHISARAI

Mangal Paswan Son of Balmiki Paswan Resident of village- Jaitpur, P.S.-
Barhiya , District- Lakshisarai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance:

(In Cr. Misc. No.11907 of 2015)

For the Petitioner/s : Mr. Krishna Chandra, Advocate.

For the Opposite Party/s : Mrs. Nirmala Kumari, A.P.P.

(In Cr. Misc. No.12034 of 2015)

For the Petitioner/s : Mr. Ravindra Kumar, Advocate.

For the Opposite Party/s : Mr. Manoj Kumar - I, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 30-06-2015 Heard both sides.

The petitioners, namely, Sony Singh @ Praveen Kumar and Mangal Paswan, apprehend their arrest in a case under Section 364, 302 and other sections of the Indian Penal Code.

Vinod Ram, the brother of the deceased Subodh Ram, alleged that earlier Subodh Ram was driving the vehicle of



Sony Singh @ Praveen Kumar, but he purchased his own vehicle. Sony Singh was demanding Rs. 44,000/- from Subodh Ram and also threatened him of dire consequences. It is submitted that Vinod Kumar filed Hathidah P.S. Case No. 09/2014 on 07.02.2014 against unknown under Sections 365/379/34 of the Indian penal Code, but on the next day, he filed the present case in which he suspected the hands of the petitioner Sony Singh @ Praveen Kumar in killing of the deceased. During the course of investigation, the police submitted final form finding the case of no evidence against the petitioners, but the learned Judicial Magistrate took cognizance against the petitioners on the basis of the evidence of the witnesses in para 12, 21 & 22 of the case diary. It would appear from para 12, 21 & 22 that the witnesses simply suspected that the petitioners were demanding money and he had threatened Subodh Ram of dire consequences.

Learned counsel for the petitioner Mangal Paswan has submitted that he is not named in the F.I.R. and nothing has been recovered from the possession of Mangal Paswan. One Bandan Kumar @ Kismat was apprehended and he confessed his guilt. Bandan Kumar disclosed that Rahul Kumar and Mangal Paswan (the petitioner) caught Subodh Ram and slit his neck. The accused persons threw his dead body. The mobile of the deceased

was recovered from the possession of Kundan Kumar, who happens to be the maternal brother of Bandan Kumar.

Except the confessional statement of Bandan Kumar, there is no tangible evidence against Mangal Paswan. There appears that the police did not collect any tangible material against Sony Singh @ Praveen Kumar except suspicion, that too, after lodging of the F.I.R. Sony Singh @ Praveen Kumar has got no criminal antecedent.

Considering the facts aforesaid, the petitioner Sony Singh @ Praveen Kumar, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged on bail on furnishing 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, Lakhisarai in Barahiya P.S. Case No. 19/2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as the case of the petitioner Mangal Paswan is concerned, of course, his name figured in the confessional statement of Vinod Kumar, but it appears that Mangal Paswan has got criminal antecedent and, according to the confession, he also played a pivotal role in the killing of the deceased; hence, I am not

inclined to enlarge the petitioner Mangal Paswan on anticipatory bail in Barahiya P.S. Case No. 19 of 2014. Accordingly, the same is rejected.

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(Prabhat Kumar Jha, J)