

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21720 of 2015

Arising Out of PS.Case No. -117 Year- 2014 Thana -BIBHUTIPUR District- SAMASTIPUR

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1. Kamlesh Paswan Son of Late Shyam Sunder Paswan Resident of village
- Singhiaghat Tole Bhiri, P.S. Bibhutipur, Distt. - Samastipur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Praveen

For the Opposite Party/s : Mr. Rita Verma (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-07-2015 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case
instituted under Sections 328 and 302 of the Indian Penal Code.

The prosecution story, in brief, is that daughter of
deceased, namely, Poonam Devi gave her fardbeyan that on
18.5.2014 she got information that her father fell down in a ditch
near Chamrkhala upon which she reached there and took her
father to Bibhutipur Hospsital where doctor referred him to Sadar
hospital, Samastipur. During course of treatment her father told
her that Kamlesh Paswan stopped and locked his bicycle and
offered him toddy after consuming the today he felt unwell then
he sent him but due to illness he fell down in a ditch and lost his
sense. It is further alleged that that after saying this fact that

Kamlesh Paswan had mixed poison in his toddy and her father died.

On behalf of the petitioner it is submitted that there is no direct or indirect evidence against the petitioner. It is further submitted that the petitioner has been made accused merely on suspicion. It is also submitted that no motive has been assigned against the petitioner.

On behalf of the State, it has been submitted that the petitioner is named in the FIR.

Considering the aforesaid facts, let the above named petitioner, in the event of his arrest or surrender in the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri A.Kumar, Judicial Magistrate, 1st Class, Rosera, Samastipur, in connection with Bibhutipur P.S.Case no. 117 of 2014 , subject to the conditions as laid down u/s 438(2) Cr.P.C.

(Sudhir Singh, J)

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