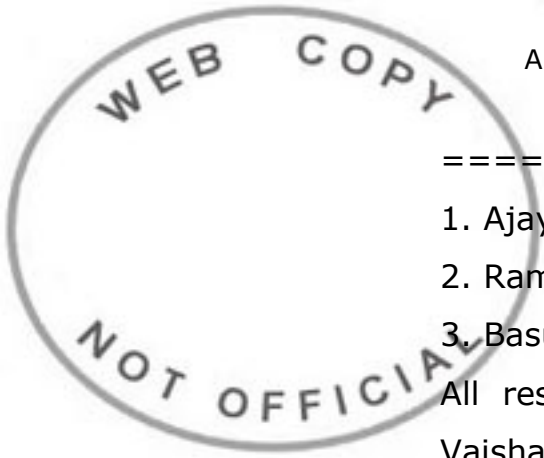




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47596 of 2015

Arising Out of PS.Case No. -259 Year- 2015 Thana -SARAIYA
District- MUZAFFARPUR

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1. Ajay Paswan, Son of Ramchandra Paswan
 2. Ram Chandra Paswan, Son of Late Gonaur Paswanand
 3. Basudeo Rai, Son of Late Jaga Rai
- All resident of Village-Makdumpur, P.S.-Vaishali, District-Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

- For the Petitioner/s : Mr. Hari Kishore Thakur, Adv.
For the State : Mr. Sanjay Kumar Singh (A.P.P.)
For the Informant : Mrs. Bela Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 26-11-2015 Heard learned counsel for the petitioners,

learned Additional Public Prosecutor for the State and

learned counsel representing the informant.

This application for grant of regular bail arises
out of Saraiya P.S. Case No.259 of 2015, disclosing
offences under Sections 341, 323, 307, 448 and 302/34

of the Indian Penal Code.

Petitioner no.1, namely, Ajay Paswan, is the husband of the deceased, whereas, petitioner no.2, namely, Ram Chandra Paswan, is the father-in-law. Petitioner no.3, namely, Basudeo Rai, is the villager of petitioner nos. 1 and 2.

From the First Information Report and the submissions made on behalf of the parties, it seems that there was difference between the husband and wife, i.e., the petitioner no.1 and the deceased. Allegedly, petitioners had taken away the deceased from the informant's place, forcibly in a Bolero Jeep and while on way to their home, the petitioners pushed the deceased out of the speeding vehicle, whereupon, she fell down on the road and out of the injuries sustained, she died.

It is submitted on behalf of the petitioners that there is no apparent motive, discernible from the First Information Report, behind killing of the deceased by these petitioners. He submits that in all probability, it was just an accident that the deceased fell from the running vehicle, because the gate of the said vehicle was not duly locked. Learned counsel for the petitioners further submits that the petitioner nos.2 and

3 have remained in custody since 27.07.2015, whereas, petitioner no.1 has remained in custody since 02.08.2015. He, accordingly, contends that no purpose will be served if the petitioners are allowed to remain in custody anymore.

Considering the facts and circumstances of the case, I am not inclined to grant the privilege of regular bail to petitioner no.1, who is the husband of the deceased.

Accordingly, the prayer for regular bail of petitioner no.1, namely, Ajay Paswan, is rejected.

However, since the charge-sheet has been submitted and there is no chance of tampering with the evidence by the petitioner nos.2 and 3, their application for regular bail is allowed. Petitioner nos.2 and 3, namely, Ram Chandra Paswan and Basudeo Rai, are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of **learned Sub-Divisional Judicial Magistrate, West, Muzaffarpur**, in connection with **Saraiya P.S. Case No.259 of 2015**.

This is subject to the condition that the petitioner nos.2 and 3 shall present themselves before

the police/Court, as the case may be, as and when required, and in the event of failure on their part to appear before the Court, on two consecutive occasions, their bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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