

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35136 of 2015

Arising Out of PS.Case No. -140 Year- 2015 Thana -PIRPAINTI District- BHAGALPUR

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1. RAM KRISHNA @ CHIRAG PASWAN @ RAM KRISHNA KUMAR
PASWAN @ CHIGAR PASWAN

2. Shrawan Paswan

3. Sunil Paswan, All Son of Jagrnath Paswan,

4. Jagarnath Paswan, S/o Late Boudhi Paswan, All residents of village
Laxmipur, P.S. Pirpainti, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. B.P. Pandey (Sr. Adv.)
Mr. Pravin Kumar Sinha, Adv.

For the Informant : Dr. Manoj Kumar Sah

For the Opposite Party/s : Mr. Bharat Lal(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

5 14-12-2015 The learned counsel for the petitioner does not want

to press the bail application of petitioner no. 1 and accordingly, the

prayer of bail of petitioner no. 1 is dismissed as not pressed and

now the prayer for bail relates to petitioner nos. 2 to 4.

Heard learned counsel for the petitioners, learned
counsel for the informant and learned A.P.P. representing the
State.

Petitioner Nos. 2 to 4 seek bail in connection with
Pirpainti P.S. Case No. 140 of 2015 registered for the offences
punishable under Sections 363, 366A/34 of the Indian Penal Code.

Allegedly Nisha Kumari, minor daughter of the



informant became traceless when she was reading at verandah and on search, it revealed that Ram Krishna Kumar (petitioner no. 1) has kidnapped her with an intention to marry with her and further the daughter of the informant has gone after taking cash of Rs. 4,000/- from her house. The informant asked the petitioner no. 4 and then she was abused and other petitioners also came there and started abusing and assaulted her. During investigation the dead body of Nisha Kumari was found in a well near school.

Submission is of false implication and that against petitioner nos. 2 to 4, there is only allegation that they abused the informant when she came to ask them regarding kidnapping of her daughter, the petitioner no. 1 allegedly kidnapped her and he was with the daughter of the informant. During investigation, no eye witness has come forward to say that the petitioners were seen committing the crime or were in the company of the deceased before the occurrence or they were seen fleeing away after the occurrence and, as such, the petitioners, who are suffering in custody since 6.6.2015, deserve sympathetic consideration. Chargesheet has already been submitted and case has been committed to the Court of sessions.

The learned A.P.P. duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that the

daughter of the informant was kidnapped and killed by pressing her neck and the doctor has found the cause of death as asphyxia and shock due to smothering.

In the facts and circumstances stated above, considering that against the petitioner nos. 2 to 4 there is no allegation for kidnapping the minor daughter of the informant rather the allegation is against the petitioner no. 1 and petitioner no. 1 was with the deceased and, as such, the petitioner nos. 2 to 4 against whom chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, are directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Learned C.J.M., Bhagalpur arising out of Pirpainty P.S. Case No. 140 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 petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

sushma/-

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(Jitendra Mohan Sharma, J)

