

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50938 of 2015

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

Usman Miya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyendra Narayan Singh

For the Opposite Party/s : Mr. A.L. Pandit (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 04-11-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with Saraiya P.S.Case No. 259/2015 registered for offences punishable under Sections 341, 323, 307, 448, 302/34 of the Indian Penal Code.

The prosecution case is that the informant Chandradeo Paswan has alleged in his written application that on 26.07.2015 at about 09.45, husband of his grand daughter, namely, Ajay Paswan came with four persons and took his grand daughter by assaulting and dragging her and forcibly got her seated in an Indigo vehicle and threw her from the running vehicle causing grievous injury and she died on the spot. It is further alleged that on hulla, when



informant and others reached there alongwith his son Harihar Paswan, the above persons brutally assaulted Harihar Paswan causing injuries and out of above four persons, two of them were apprehended with the help of villagers, who disclosed their names as Ram Chandra Paswan and Basudeo Rai and they also divulged the names of rest two persons, who fled away as Ajay Paswan (husband of deceased) and Usman Miya, petitioner.

It has been submitted by the learned counsel for the petitioner that the petitioner is innocent and has clean antecedent as is evident from para-3 of the petition. He further submits that no offence against the petitioner is made out and it is only on the basis of the confession of the co-accused that the name of the petitioner has surfaced.

Furthermore, it has been submitted that no specific overt act has been assigned against the petitioner. The confession of the co-accused has no evidentiary value in the eye of law.

Be that as it may, let the above named petitioner in the event of his arrest or surrender before the Court below within a period of six weeks from today be released on bail on furnishing bail bonds of Rs. 10,000/- (Tend thousand) with two sureties of like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate(West)Muzaffarpur, in connection with Saraiya

P.S.Case No. 259/2015, subject to the conditions as laid down
under Section 438(2) of the Cr. P. C.

Sudha/-

(Nilu Agrawal, J)

U		T	
---	--	---	--