

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28785 of 2015

Arising Out of PS.Case No. -95 Year- 2014 Thana -MUSAHRI District- MUZAFFARPUR

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1. Shivji Paswan s/o late Hriday Paswan resident of Village - Dwarika Nagar, P.S. - Musahari, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar

For the Opposite Party/s : Mr. Ahmad Ali (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 27-10-2015 Heard the learned counsel for the petitioner as well as the learned A.P.P.

The petitioner seeks bail in a case for the offences punishable under sections 364, 302, 201 and 34 of the I.P.C

The daughter of the informant disappeared from the house when the informant and other family members were busy in worshipping and after two days her dead body was found in the nearby pond and it is alleged that the petitioner and others have killed the deceased due to previous enmity and threw the dead body in the pond of Jagat Narain Sah.

Submission is of false implication and there is nothing but only suspicion. There is no direct or circumstantial evidence against the petitioner and due to dirty politics he has been implicated along with other co-accused of this case. The petitioner

has got no criminal antecedent and is suffering in custody since 01.11.2014. Other co-accused, namely, Manish Paswan @ Manoj Paswan has been allowed regular bail vide order dated 04.03.2015 passed in Cr. Misc. No. 1884 of 2015, Mukesh Paswan has been allowed bail vide Cr. Misc. No. 22933 of 2015 by order dated 08.07.2015 by another coordinate Bench of this Court and further some of the co-accused have been allowed pre-arrest bail by this Court and as such the petitioner also deserves sympathetic consideration, to which the learned A.P.P. does not oppose.

In the facts and circumstances as stated above, the petitioner is also directed to 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 Additional District & Sessions Judge-IX, Muzaffarpur in S.Tr. No. 89 of 2015 arising out of Musahari P.S. Case No. 95 of 2014, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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