

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46077 of 2014

Arising Out of PS.Case No. -54 Year- 2014 Thana -MANPUR District- NALANDA
(BIHARSHARIFF)

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Puna Paswan, Son of Doman Paswan, resident of village- Bishunpur, P.S.-
Manpur, District- Nalanda

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Mrs. Pushpa Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

3 03-03-2015

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

The petitioner seeks bail in Manpur P.S. Case No.
54 of 2014 dated 13.08.2014 instituted under Sections 302/34
of the Indian Penal Code.

Learned counsel for the petitioner submits that the
allegation against the petitioner and four others including a
female is general without any specific overt act attributed to
anyone and also there is no allegation of use of any weapon
and that nothing has been stated with regard to reason for the
incident and thus it is improbable that petitioner being the
neighbour of the deceased would commit such a crime. Learned
counsel for the petitioner submits that even the post-mortem
report does not disclose any injuries on the parts of the body
except for swelling on the chest and internal ribs have been



found broken and lungs found to be punctured. The Doctor has opined that the cause of death is due to shock and hemorrhage. Learned counsel submits that as per the prosecution story itself the deceased managed to save himself and the petitioner and accused had gone away and only next morning while being taken to the hospital he died. It is submitted that the petitioner has clean antecedent and surrendered before the learned court below on 25.08.2014.

Learned A.P.P., upon going through the case diary and learned counsel for the informant, oppose the prayer for bail and submit that the family members have stated that the petitioner along with others had assaulted the deceased.

Considering the facts and circumstances of the case and the submissions of learned counsel for the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Ist Class, Nalanda at Biharsharif in Manpur P.S. Case No. 54 of 2014. The petitioner shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall lead to cancellation of his bail bonds.

The petitioner shall given an undertaking before the learned court below that he shall not in any way intimidate

the informant or his family members. If such a complaint is received, the court below upon hearing the parties shall pass appropriate orders including cancellation of the bail bonds of the petitioner.

(Ahsanuddin Amanullah, J.)

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