

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15937 of 2016

Arising Out of PS.Case No. -141 Year- 2013 Thana -GAYGHAT District- MUZAFFARPUR

- 1. Shankar Paswan @ Sanju Paswan Son of Mundrika Paswan
- 2. Mundrika Paswan son of Late Darbeshwar Paswan Both resident of village- Belagopi, P.S.- Gaighat, District- Muzaffarpur

.... Petitioner/s

Versus

- 1. The State of Bihar

.... Opposite Party/s

Appearance :

- For the Petitioner/s : Mr. Ganesh Prasad Singh, Advocate
- Mr. Prabhat Kumar Singh, Advocate
- For the State : Mr. Pancha Nand Pandit, (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 26-05-2016 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioner Nos. 1 and 2 are son and father are languishing in jail custody since 15.01.2016 and 02.01.2016 respectively in a case registered for offences punishable under Sections 302, 201/34 and 120 (B) of the I.P.C.

The prosecution case as lodged on the basis of fardbeyan by Sonelal Paswan before S.I., Gaighat on 08.06.2013 that his son namely, Sanjay Paswan, was doing job in the pathology centre of Dinesh Kumar and he had gone to pathology centre on 07.06.2013 but did not return and in the next morning, the informant came to know that the dead body of Sanjay Paswan



is lying near a bridge and thereafter, the informant along with other villagers reached there and found the dead body of Sanjay Paswan in the river and his motorbike was lying by the side of river. The informant further alleged that Dinesh Kumar in a conspiracy with Mundrika Paswan and Shankar Paswan killed his son Sanjay Paswan and threw his dead body in the river due to some land dispute.

It has been submitted by the learned counsel for the petitioners that they are innocent and have been falsely implicated in the present case. It has been also submitted that these petitioners have no criminal antecedents, as is evident from para-3 of this application and that the deceased had died due to road accident, which finds place at paragraph nos. 4,5,6,7,8 and 9 of the case diary and the name of these petitioners have surfaced because there was earlier land dispute between both side.

It has further been submitted that there is no eye witness to the said occurrence and none of the prosecution witness have seen the occurrence and on similar allegations, another co-accused has been granted privilege of bail in Cr. Misc. No. 49609 of 2015 by order dated 08.02.2016 by a Co-ordinate Bench of this Court.

However, learned A.P.P. for the State submits that

the petitioners are named in the F.I.R., hence, opposes the prayer for bail.

Be that as it may, since the petitioners have been implicated on the basis of suspicion and there is no eye witness, the above named petitioners are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate,1st class, Muzaffarpur in connection with Gaighat P.S.Case No. 141 of 2013.

(Nilu Agrawal, J)

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