

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55495 of 2015

Arising Out of PS.Case No. -38 Year- 2015 Thana -BANSHI District- JEHANABAD

- =====
1. Devi Dayal Paswan
 2. Shiv Dayal Paswan, sons of Late Hit Narayan Paswan. Both Residents of Village Mogalapur, P.S Banshi, District Arwal.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar

For the Opposite Party/s : Mr. A.K.Pandey(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-01-2016 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

Petitioners are languishing in jail custody since 03.08.2015 in connection with Banshi P.S. Case No. 38 of 2015 registered for the offences punishable under Sections 302 and 120B of the Indian Penal Code.

The prosecution case, in brief, is that on 30.07.2015 at about 7:30 P.M., brother of the informant (deceased) was returning to his house and when he reached at the turning near the field of Munnilal Paswan, accused Yogesh Paswan shot at the deceased from behind, as a result of which he fell down. On hearing the sound of fire-arms, villagers raised alarm, whereupon, the informant reached the place of occurrence and learnt from the

villagers that accused Yogesh Paswan had shot at his brother. At that time, petitioners, who are father and uncle of accused Yogesh Paswan, were also present at the place of occurrence. The informant with the help of the villagers brought his brother to the nearby Health Centre where he succumbed to the injuries.

It is submitted by the counsel for the petitioners that petitioners are the father and uncle (Chacha) of the main accused, Yogesh Paswan and there is no specific allegation against these petitioners. The only allegation against these petitioners is that they were also present at the place of occurrence. It has further been submitted that these petitioners are agnates of the informant and the deceased and there was a long drawn quarrel between the informant, deceased and the petitioners and, as such, the petitioners have falsely been implicated in the aforesaid case. Furthermore, it has been submitted that charge-sheet has already been submitted against these petitioners. Hence, there is no question of tampering with the evidence.

Learned A.P.P. appearing for the State, however, submits that although there is no specific allegation against the petitioners, but they are named in the First Information Report.

Be that as it may, since there is no specific allegations against the petitioners in the commission of offence alleged, let the

petitioners, named above, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten thousand only) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Arwal in connection with Banshi P.S. Case No. 38 of 2015.

(Nilu Agrawal, J.)

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