

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11354 of 2016

Arising Out of PS.Case No. -362 Year- 2015 Thana -SARAIYA District- MUZAFFARPUR

- =====
1. Niranjan Paswan S/o Late Dhanai Paswan
 2. Shiv Chandra Paswan S/o Dakhit Paswan
 3. Sudish Paswan S/o Niranjan Paswan
- All residents of village - Bakhara, P.S. - Saraiya, Dist - Muzaffarpur.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sunil Kumar Pandey, Advocate

For the State : Mr. Md.Arif, APP

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

3 08-04-2016

I have heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in a case registered for offences punishable under Sections 302/34 of the Indian Penal Code.

As per allegation, body of the deceased was found hanging from a branch of mango tree which was seen by many persons including the informant and a suspicion has been raised that he was killed due to a long standing litigation which is going between the informant and the accused side.

It is contended on behalf of the petitioner that apart from the suspicion nothing could be collected during the course

of investigation connecting the petitioner to the crime. The order of Additional Sessions Judge discloses that the witnesses' statements have been recorded in paragraph nos. 7, 8, 9 and 10 having supported the version of the informant which is based upon suspicion. It is not stated that any eye witness is also in the matter. It is contended that suspicion, however, may be strong cannot take place of evidence.

Having regard to the facts and circumstances of the case, let the petitioners, namely, Niranjan Paswan, Shiv Chandra Paswan and Sudish Paswan be released on bail in the event of arrest/surrender before the court below within a period of six weeks from today in Saraiya P.S. Case No. 362 of 2015, on furnishing bail bond of Rs.10,000 (Ten Thousand Rupees) each with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, West, Muzaffarpur subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, J)

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