

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39994 of 2016

Arising Out of PS.Case No. -260 Year- 2016 Thana -FORBESGANJ District- ARRARIA

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1. Shiv Nath Paswan S/o-Late Jaggu Paswan
 2. Dinesh Paswan S/o Atilal Paswan
 3. Binod Paswan S/o Late Ayudhi Paswan
 4. Pawan Paswan S/o Parmanand Paswan
 5. Sharswati Devi W/o Shiv Nath Paswan
 6. Most. Lila Devi W/o Late Ayudhi Paswan
 7. Daulti Devi W/o Dinesh Paswan
 8. Jay Ram Paswan S/o Baijnath Paswan All are resident of Village- Bokra Ahmadpur, Ward No. 2, P.S.-Simraha, District-Araria

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Naushad Uzzoha

For the Opposite Party/s : Smt. Gulnar Begam, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 17-10-2016 Heard the learned counsel for the petitioners, the learned counsel for the informant and the learned Additional Public Prosecutor.

The petitioners apprehend their arrest in Forbesganj (Simraha) P.S. case No. 260 of 2016 under Section 302/34 of the Indian Penal Code.

The informant alleged that his son, aged about 14 years, had gone to Jute field for work but he did not return. The informant sent his elder son, Rakesh Kumar, to search out Chhotu Kumar, the deceased. After some time, eldest son of the informant

disclosed that dead body of Chhotu Kumar was lying in a bamboo bush.

The learned counsel for the petitioners submits that there is no eye witness of the occurrence. Save and except suspicion that too on account of enmity between the parties, there is no material on record to show involvement of the petitioners in the killing of minor son of the informant.

On the other hand, the learned counsel for the informant has opposed the prayer for anticipatory bail and submitted that one day prior to the occurrence Shiv Nath Paswan assaulted the deceased with fists and slaps and there was enmity between both sides. While Rakesh Kumar was in search of his younger brother Shiv Nath Paswan, Pawan Paswan, Dinesh Paswan and Binod Paswan were seen in a field near the bamboo bush and when the dead body was found they fled away.

It appears that nobody has seen the petitioners committing the murder of the deceased, son of the informant, and except suspicion there appears no tangible material.

Considering the facts aforesaid and the nature of allegations made against the petitioners, the above named petitioners, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of

receipt / production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in Forbesganj (Simraha) P.S. Case No. 260 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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