

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26660 of 2016

Arising Out of PS.Case No. -6 Year- 2014 Thana -OBRA District- AURANGABAD

=====

1. Dewanti Devi w/o Deva Paswan
2. Krishna Paswan @ Krishna Kumar Kanhaiya s/o Deva Paswan Both R/o
Village - Tejipur, P.S. - Obra, District - Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Adv.

For the Opposite Party/s : Mr. Rohit Mishra
Mrs. Shally Kumari

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 24-08-2016 Heard both sides.

The petitioners apprehend their arrest in S.Tr. No. 130/2015/28/2015, registered for the offences punishable under Sections 341, 323, 504/307/34 of the Indian Penal Code.

The petitioners are not named in the FIR. The informant made very specific allegation that Deva Paswan, Shree Paswan and Brajesh Paswan assaulted the informant and his nephew Jaimendra Prajapat with lathi causing injury on their head. Jaimendra Prajapat died during course of treatment. The police after investigation submitted charge-sheet against Deva Paswan, Brajesh Paswan and Shree Paswan. Cognizance was taken and the case was committed to the Court of Sessions vide

S.Tr. No. 130/15/28/15. During course of trial, the witnesses alleged that petitioner no. 1 Dewanti Devi instigated and petitioner no. 2 Krishna Prasad climbed on the chest of the deceased Jaimendra Prajapat.

It appears that the petitioners are not named in the FIR. No evidence is collected during course of investigation and accordingly charge-sheet is submitted against only three persons, namely, Deva Paswan, Shree Paswan and Brajesh Paswan. During course of trial witnesses apparently named the petitioners. Although they did not say anything before the Investigating officer during course of investigation.

Considering the facts aforesaid petitioners above named in the event of their arrest or surrender before the 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) each with two sureties of the like amount each to the satisfaction of the learned ADJ III, Aurangabad in connection with S.Tr. No. 130/15/28/2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

Rakhi

U		T	
---	--	---	--