

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45201 of 2015

Arising Out of PS.Case No. -75 Year- 2015 Thana -ARWAL District- JEHANABAD

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1. Arbind Paswan, Son of Sri Budhan Paswan resident of village- Aslanpur, P.S. Arwal, Distt- Arwal.
 2. Akhilesh Paswan, Son of Sri Sheodayal Paswan, resident of village- Aslanpur, P.S. Arwal, Distt- Arwal.
 3. Sunil Kumar, Son of Sri Tetar Paswan, resident of village- Aslanpur, P.S. Arwal, Distt- Arwal.
 4. Mithilesh Paswan, Son of Sri Sheodayal Paswan, resident of village- Aslanpur, P.S. Arwal, Distt- Arwal.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Mistry
For the Opposite Party/s : Mr. P.N.Pandit(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 04-02-2016 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Initially, the present case, i.e., Arwal P.S.Case No.75 of 2015 was registered against seven F.I.R named accused for the offences under section 307 and other minor sections of the Indian Penal code on 5.4.2015 on the accusation that F.I.R named accused assaulted the informant Bharosa Paswan and others.

In course of investigation, the investigating officer recorded the fardbeyan of one Mukhiya Devi, who happens to be wife of deceased Ram Bhawan Paswan in which the aforesaid

Mukhiya Devi stated that on 5.4.2015, a scuffle took place between two parties and petitioners were members of one party and when her husband went to pacify the dispute, he was mercilessly assaulted by petitioners and several other accused persons, as a result of which her husband died on 21.04.2015 in course of his treatment. It is surprising enough that the police did not register a fresh case in respect of the aforesaid fardbeyan but added section 302 of the Indian Penal Code in the present case. Moreover, the material available on the record discloses that general allegation of assault has been leveled against the petitioners and several other co-accused persons whereas deceased sustained altogether three injuries on his person.

Accordingly, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Arwal in connection with Arwal P.S.Case No. 75 of 2015.

(Hemant Kumar Srivastava, J)

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