

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6690 of 2016

Arising Out of PS.Case No. -172 Year- 2014 Thana -NAWINAGAR District- AURANGABAD

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Shankar Paswan S/o Hari Paswan, Resident of Village - Rajpur, P.S. -
Kutumba, District - Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Narsing Tanti (Spl. PP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

6 23-05-2016

Heard learned counsel for the petitioner and the
learned Special P.P. for the State.

Petitioner is languishing in jail custody since
05.10.2015 in connection with Nabinagar P.S. Case No. 172
of 2014 registered for the offences punishable under Sections
302, 364/34 of the Indian Penal Code, Section 27 of the Arms
Act and Section 3(ii) (v) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case, in brief, is that the
informant was informed by the villagers that on 10.11.2014 at
about 8:30 P.M., F.I.R. named accused persons along with
other unknown persons forcibly took away the son of the
informant from his house and killed him. The occurrence is
alleged to have taken place due to previous enmity between
the deceased and the accused Shankar Paswan, as on

complain made by the deceased, certificate of the accused Shankar Paswan was verified and found forged and, therefore, he was removed from service.

It has been submitted by the counsel for the petitioner that that petitioner has falsely been implicated in the aforesaid case due to village politics. He submits that there is no eye-witness to the alleged occurrence and it is only on the basis of suspicion that the petitioner has been named in the First Information Report due to previous enmity, as the deceased was instrumental for his dismissal from service. He further submits that the son of the deceased has also not stated that he had seen the petitioner committing the aforesaid crime. He further submits that the petitioner has home in the village and there is no chance of tampering with the evidence or absconding.

However, learned Special P.P. for the State submits that the deceased was last seen with the petitioner, hence, opposes the prayer for bail.

Be that as it may, since the allegation is on the basis of suspicion, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount

each to the satisfaction of Additional Chief Judicial
Magistrate, Aurangabad in connection with Nabinagar P.S.
Case No. 172 of 2014.

(Nilu Agrawal, J.)

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