

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.24685 of 2016**

Arising Out of PS.Case No. -39 Year- 2014 Thana -RAJNAGAR District- MADHUBANI

=====

Sadhu Paswan, S/o Raja Ram Paswan, Resident of village- Khor-Madanpur, Tola- Thakur Pokhar, Post Office- Bhith Bhagwanpur, P.S.- Bhaja, District- Madhubani

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Ashok Kumar Prasad, Advocate

For the Opposite Party/s : Mr. B.Ram(APP)

=====

**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA**  
**ORAL ORDER**

4      12-08-2016                      Heard learned counsel for the petitioner and the  
  
learned counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection with Raj Nagar P.S. Case No.39 of 2014, G.R. No.407/2014 for allegedly having committed the offence under Section 302/34 of the Indian Penal Code.

The allegation against the petitioner is that in the case of custodial death of one Pappu Yadav, an F.I.R. was lodged by another inmate of the Jail alleging that the Jailor as well as the other named in the F.I.R. was responsible for the death as they had mercilessly assaulted the deceased Pappu Yadav. On the basis of the said statement made by the informant Pawan Yadav, an F.I.R. was registered against the persons, including the In-charge of Sub-Jail.

Learned counsel for the petitioner submits that the

present petitioner is only the Home Guard, who was posted at the relevant point of time in Sub-Jail, Madhubani and he is not named in the F.I.R. No particular role has been assigned to him. Furthermore, during the course of investigation, there is no report regarding the petitioner having participated in the assault, leading to the death of the jail inmate.

Considering the entire facts and circumstances and that co-accused Kameshwar Yadav, who was also Home Guard, posted in Sub Jail, Madhubani, has been extended the privilege of anticipatory bail by a Bench of this Court, vide order dated 6.4.2016, passed in Cr.Misc. No.7745 of 2016, let the petitioner, above named, in the event of his 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, be released on bail on furnishing bail bond of ₹10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Shashi Bhushan Kumar, learned Judicial Magistrate, 1<sup>st</sup> Class, Madhubani, in connection with Raj Nagar P.S. Case No.39 of 2014, G.R. No.407/2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

PNM

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|