

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45696 of 2015

Arising Out of PS.Case No. -63 Year- 2007 Thana -KOCH District- GAYA

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1. Sheonandan Paswan S/o Late Rajdeo Paswan Resident of village + P.O.
Dhorha, P.S. Konch, District - Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar -Manglam

For the Opposite Party/s : Mr. Smt. Meena Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

5 02-03-2016

Heard the learned counsel for the petitioner as well as
the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences
punishable under sections 147, 148, 149, 323, 341, 447, 307 and
302 of the I.P.C

Allegedly, the petitioner and other co-accused were
damaging the wall of the informant and when the informant
forbade, co-accused Dashrath Paswan assaulted with back portion
of the Garasa on the head, Hira Paswan assaulted with Lathi and
when Dinanath Yadav, Sakaldeo Yadav and Binod Yadav came
for rescue then Siyaram Paswan assaulted with Lathi to Dinanath
Yadav causing fracture of his hand and Sukhsagar Paswan
assaulted with Lathi on his head, Dharmendra Paswan assaulted

with bat of cricket to Sakaldeo Yadav on his head resulting he fell down and the petitioner and others assaulted with Lathi- Danda on his body causing bleeding injury and thereafter Sakaldeo Yadav died.

Submission is of false implication and that the petitioner is not the assailant, Dharmendra Paswan had assaulted on the head of the deceased with the bat of cricket and against the petitioner there is general and omnibus allegation and as such the petitioner who is suffering in custody since 17.02.2015 deserves sympathetic consideration as the other co-accused Ram Khelawan Paswan has been allowed bail by another coordinate Bench of this Court.

The learned A.P.P. opposes prayer for bail.

In the facts and circumstances as stated above, considering that the petitioner is not the assailant and as such he is also directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Gaya in Konch P.S. Case No. 63 of 2007, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial

and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

Abhay/-

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(Jitendra Mohan Sharma, J)

