

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12282 of 2016

Arising Out of PS.Case No. -317 Year- 2014 Thana -VAISHALI District- VAISHALI(HAJIPUR)

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1. RAJESH PASWAN @ MIRCHAI PASWAN Son of Dhausee Paswan,
Resident of Village - Pauni Hasanpur, P.S. - Vaishali, District - Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bela Singh

For the Opposite Party/s : Mr. Parmanand Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 06-05-2016

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner seeks bail in connection with Vaishali P.S. Case No. 317 of 2014 registered for the offence punishable under Section 302/34 of the Indian Penal Code.

Allegedly, co-accused Khobhari Paswan mixed poison in toddy of Mukesh Paswan which he drunk and when he started making alarm, Khobhari Paswan and other co-accused came wherein, Khobhari Paswan assaulted Mukesh Paswan with *Lautha* and the petitioner assaulted with Lathi and when Sukesh Paswan and Jamuni Devi came for rescue, both were also assaulted by them. Mukesh Paswan died in the way to hospital.

Submission is of false implication and that during investigation witnesses, namely, Baiju Paswan and Nagendra Paswan vide para 6 and 33 of the case diary being eye-witnesses, have stated that Khobhari Paswan assaulted Mukesh Paswan

twice-thrice with *Lautha*. The petitioner is not the assailant, co-accused Raktu Paswan has already been allowed bail and, as such, the petitioner also deserves sympathetic consideration.

The learned A.P.P. submits that in the First Information Report there is allegation against the petitioner also that he assaulted the deceased with *Lathi* but during investigation, those eye witnesses have not stated the name of the petitioner.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Vaishali in connection with Vaishali P.S. Case No. 317 of 2014 subject to the conditions that one of the bailors must be 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.

(Jitendra Mohan Sharma, J)

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