

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45926 of 2015

Arising Out of PS.Case No. -166 Year- 2015 Thana -VAISHALI District- VAISHALI(HAJIPUR)

1. Raj Kumar @ Raj Kumar Paswan son of Haendra Paswan Resident of village - Jatkauli P.S. - Vaishali Dist - Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha

For the Opposite Party/s : Mr. Indu Bala Pandey (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 01-03-2016 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 302, 201, 120 B and 34 of the I.P.C

Allegedly, the petitioner and other three co-accused named in the First Information Report assaulted Jaggu Mahto, the father of the informant, and dragged him to their house, killed him and boarded the dead body on Vehicle No. UP-16A-0661 and made the dead body traceless. In the said vehicle there was blood stain. The motive behind the occurrence is alleged due to previous enmity for doing the illegal business of liquor.

Submission is of false implication and that the informant is not an eye witness of the occurrence, the occurrence



is said to be of 24.05.2015, whereas, the First Information Report has been lodged on 31.05.2015, the statement of the eye witness Aklu Paswan has been recorded on 03.06.2015 and there are contradictions in the statement of Aklu Paswan from the First Information Report. Aklu Paswan has stated the name of Suresh Paswan as an eye witness and he has also been examined on 03.06.2015 only with a view to falsely implicate the petitioner and others, there is no legal and tangible material against the petitioner, charge sheet has already been submitted and as such the petitioner who is suffering in custody since 14.07.2015 having no criminal antecedent deserves sympathetic consideration, to which the learned A.P.P. opposes.

In the facts and circumstances as stated above, considering the delay in lodging the FIR and further the delay in recording the statement of Aklu Paswan, the petitioner is 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. Vaishali at Hajipur in Vaishali P.S. Case No. 166 of 2015, 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.

(Jitendra Mohan Sharma, J)

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