

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9602 of 2016

Arising Out of PS.Case No. -465 Year- 2015 Thana -ARA NAGAR District- BHOJPUR

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Prakash Paswan Son of Bhalu Paswan, Resident of Village - Baraki
Sinaghi, P.S. - Ara Town, District - Bhojpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Prabhat Kumar Singh, Advocate.

For the Opposite Party : Mr. Ganesh Pd. Singh(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 01-03-2016 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner is languishing in judicial custody since
28.11.2015 in connection with Ara Town P.S. Case No. 465 of 2015 for
the offences alleged under Sections 302/34 of the Indian Penal Code.

The prosecution case in short is that on 5.10.15 at 8.00 AM
informant Bhutali Yadav was passing from side of campus of Cold
Storage, Satpahari and he saw that his brother Sanjay Yadav @ Patar
(deceased) alongwith the petitioner and other accused Bambam and
Golu Paswan entering inside the said campus through southern side
gate and in morning on next date dead body of Sanjay Yadav was found
inside the said campus.

It has been submitted that the petitioner is innocent having
no criminal history, it is only on the basis of circumstantial evidence he

has been named in the FIR and has falsely been implicated. It is further submitted that just because the petitioner was seen along with two others at the place of occurrence on that very day, hence they have falsely been implicated. The petitioner further contends that investigation has already been completed and another co-accused Golu Paswan @ Hariom Kumar has been granted privilege of bail by a co-ordinate Bench of this Court in Cr. Misc. No. 7935 of 2016 on 19.02.2016 on similar allegations.

However, the learned APP for the State submits that the petitioner is named in the FIR along with other co-accused and hence opposes the prayer for bail.

Be that as it may, since a co-ordinate Bench of this Court has granted bail to a similar circumstanced accused, let the petitioner above named 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 learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Ara Town P.S. Case No. 465 of 2015.

(Nilu Agrawal, J.)

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